



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 35

नई दिल्ली, शनिवार, अगस्त 30, 1986/भाद्रपद 8, 1908

No. 35]

NEW DELHI, SATURDAY, AUGUST 30, 1986/BHADRA 8, 1908

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

विधि और न्याय मंत्रालय
(विधि कार्य विभाग)

नई दिल्ली, 12 अगस्त, 1986

सूचना

का.आ. 2975 :—नोटरीय नियम, 1956 के नियम 6 के अनुसरण में
सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री कैलाश चन्द्र सोगानी,
एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक
आवेदन इस बात के लिए दिया है कि उसे अजमेर में व्यवसाय करने के लिए
नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार
का आपत्ति इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप
में मेरे पास भेजा जाए।

[सं. 5 (55)/86-न्या.]
प्रार. एन. पोद्दार, सक्षम प्राधिकारी

MINISTRY OF LAW & JUSTICE
(Department of Legal Affairs)
New Delhi, the 12th August, 1986

NOTICE

S.O. 2975.—Notice is hereby given by the Competent
Authority in pursuance of rule 6 of the Notaries Rules,
1956, that application has been made to the said Authority,
under rule 4 of the said Rules, by Kailash Chandra Sogani

637 GI/86—1

(3391)

Advocate for appointment as a Notary to practise in Ajmer.

2. Any objection to the appointment of the said person
as a Notary may be submitted in writing to the undersigned
within fourteen days of the publication of this Notice.

[No. F. 5(55)/86-Judl.]
R. N. PODDAR, Competent Authority.

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 28 जुलाई, 1986

का.आ. 1986 :—केन्द्रीय सिविल सेवा (वर्गीकरण, नियुक्ति और
अपील) नियमावली, 1965 के नियम 3 के उप नियम (2) के अनु-
सरण में, राष्ट्रपति एतद्वारा भारत सरकार के गृह मंत्रालय के दिनांक
28 फरवरी, 1957 की संख्या एस. आर. प्रो. 609 की अधिसूचना में
निम्नलिखित संशोधन करते हैं, अर्थात् :—

उक्त अधिसूचना में "निर्माण, आवास तथा आपूर्ति मंत्रालय" नामक
शीर्षक तथा उसमें संबंधित प्रविष्टियों के स्थान पर निम्नलिखित शीर्षक
तथा प्रविष्टियों प्रतिस्थापित की जाएंगी :—

"शहरी विकास मंत्रालय।

राष्ट्रपति उद्यान संस्थापन और संपदा कार्यालय।"

[संख्या 11012/19/84-स्था. (क)]

अ. जयरामन, निदेशक

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 28th July, 1986

S.O. 2976.—In pursuance of sub-rule (2) of rule 3, of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following amendment in the notification of the Government of India in the Ministry of Home Affairs No. S.R.O. 609 dated the 28th February, 1957, namely :—

In the said notification, for heading "Ministry of Works, Housing and Supply" and the entries relating thereto, the following heading and entries shall be substituted namely:—

"Ministry of Urban Development.

The President's Garden Establishment and the Estate Office."

[No. 11012/19/84-Estt. (A)]
A. JAYARAMAN, Director

नई दिल्ली, 15 अगस्त, 1986

आदेश

का.आ. 2977.—दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के माथ पठित धारा 5 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, महाराष्ट्र सरकार की सहमति से, केन्द्रीय सरकार, 10 अगस्त, 1986 को पुणे में की गई, भारतीय सेना के भूतपूर्व थान सेनाध्यक्ष जनरल ए. एस. वैद्य की हत्या की घातक, महाराष्ट्र राज्य के पुणे स्थित बन्द गार्डन थाने में रजिस्टर की गई सी. आर. : 360/86, तारीख 10 अगस्त, 1986 के बारे में, भारतीय बंड-संहिता, 1860 (1860 का 45) की धारा 302 के अधीन दण्डनीय अपराधों के तथा उक्त अपराध के संबंध में या उससे संभव दुष्प्रेरणों और षडयंत्रों के तथा उन्हीं तथ्यों से उत्पन्न होने वाले, उसी संघबद्धार के अनुक्रम में किए गए किन्हीं अन्य अपराधों के अन्वेषण के लिए, दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का, समस्त महाराष्ट्र राज्य पर विस्तारित करती है।

[संख्या 228/20/86-ए.सी.डी.-II]

जी. सीतारामन, अवर सचिव

New Delhi, the 15th August, 1986

ORDER

S.O. 2977.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the Government of Maharashtra, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Maharashtra for the investigation of offences punishable under section 302 of the Indian Penal Code, 1860 (45 of 1860), and abetments and conspiracies in relation to or in connection with the said offence and any other offences committed in the course of the same transaction arising out of the same facts in regard to C.R. 360/86, dated 10th August, 1986, registered with Bund Garden Police Station, Pune, in Maharashtra State, about the murder of General A. S. Vaidya, ex-Chief of Staff of the Indian Army, at Pune on 10-8-86.

[No. 228/20/86-AVD.II]
G. SITARAMAN, Under Secy.

विश्व मन्त्रालय

(राजस्व विभाग)

नई दिल्ली, 20 जून, 1986

(आय-कर)

का.आ. 2978—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खंड (44) के उपखंड (iii) के अनुमरण में, केन्द्रीय सरकार,

एतद्वारा नीचे स्तम्भ 4 में उल्लिखित अधिसूचना (अधिसूचनाओं) के अधिनियम में नीचे स्तम्भ 3 में उल्लिखित कर वसूली अधिकारियों के स्थान पर नीचे स्तम्भ 2 में उल्लिखित व्यक्तियों को, जो कि केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारियों को शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

क्र. उन व्यक्तियों के नाम उन कर वसूली पुरानी अधिसूचना संख्या सं. जिन्हें कर वसूली अधिकारी और तारीख, जिसका अधिकारी (अधिका- (अधिकारियों) अधिनियम किया जाता है। रियों) की शक्तियों के नाम उनके का प्रयोग करने के स्थान पर स्तम्भ लिए प्राधिकृत किया 2 में उल्लिखित जाना है। व्यक्तियों को प्राधिकृत किया जाता है।

1	2	3	4
1. श्री बी. वी. पुराणिक	श्री ए. एच. खान	वि. 6-1-84	5577 [फा. सं. 398/16/83- आ. क. (ब.)]
2. श्री एस. व. उपगडे	श्री बी. डी. नाथ	वि. 25-4-84	5773 [फा. सं. 398/8/84- आ. क. (ब.)]

यह अधिसूचना तत्काल लागू होगी तथा जहां तक स्तम्भ 2 में उल्लिखित व्यक्तियों का संबंध है, कर वसूली अधिकारियों के रूप में उनके कार्यभार संभालने की तारीख (तारीखों) से लागू होगी।

[सं. 6781/फा. सं. 398/15/86 - आ. क. (ब.)]

बी. ई. अलैकजेंडर, अवर सचिव

MINISTRY OF FINANCE

(Department Of Revenue)

New Delhi, the 30th June, 1986

INCOME-TAX

S.O. 2978.—In pursuance of sub-clause (iii) of clause (44) of section 2 of the Income-tax act, 1961 (43 of 1961), the Central Government hereby authorises the persons mentioned below column 2, being the Gazetted Officers of the Central Government, to exercise the powers of Tax Recovery Officer(s) under the said Act in place of the Tax Recovery Officers mentioned below in column 3 in supersession of the Notification(s) mentioned below in column 4 :

S. No.	Name of the persons to be authorised to exercise powers of Tax Recovery Officer(s)	Name of Tax Recovery Officer(s) in place of whom the persons mentioned in column 2 are to be authorised.	Old Notification No. and date to be superseded.
--------	--	--	---

(1)	(2)	(3)	(4)
1.	Shri B. V. Paraniik	Shri A. H. Khan	5571 dt. 6-1-84 [F. No. 398/16/83-IT(B)].
2.	Shri L. B. Upgude	Shri B.D. N.g	5773 dt. 25-4-84 [F. No. 398/84-IT(B)].

2. This Notification shall come into force with immediate effect and in so far as persons mentioned in column 2 from the date(s) they take over charge(s) as Tax Recovery Officers.

[No. 6731/F. No. 398/15/86-IT(B)]
B. E. ALEXANDER, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

दिनांक, 30 जुलाई, 1986

का. आ. 2979.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री डी. एन. चक्रवर्ती को सुबसिरी गाँवबिया बैंक, उत्तर लखीमपुर (असम) का अध्यक्ष नियुक्त करती है तथा 7-11-1985 से प्रारम्भ होकर 30-10-1988 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री डी. एन. चक्रवर्ती अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एक 2-23/85-आर. आर. बी.]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 30th July, 1986

S.O. 2979.—In exercise of the powers conferred by sub-section (1) of Section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri D. N. Chakraborty as the Chairman of the Subansiri Gaonbia Bank, North Lakhimpur (Assam) and specifies the period commencing on the 7-11-1985 and ending with the 30-10-1988 as the period for which the said Shri D. N. Chakraborty shall hold office as such Chairman.

[No. F. 2-23/85-RRB]

का. आ. 2980.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री श्यामलाल च. लाहिरी को मणिपुर ग्रामीण बैंक, इम्फाल का अध्यक्ष नियुक्त करती है तथा 21-3-85 से प्रारम्भ होकर 31-7-1988 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री श्यामलाल च. लाहिरी अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एक 2-101/84 - आर. आर. बी.]

S.O. 2980.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri Shyamal Ch. Lahiri, Chairman, Manipur Rural Bank, Imphal and specifies the period commencing on the 31-8-1985 and ending with 31-7-1988 as the period for which the said Shri Shyamal Ch. Lahiri shall hold office as such Chairman.

[No. F. 2-101/84-RRB]

का. आ. 2981.—प्रादेशिक ग्रामीण बैंक अधिनियम 1976 (1976 का 21) की धारा 11 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री श्री. पी. शर्मा को थार आञ्चलिक ग्रामीण बैंक, ओघपुर का अध्यक्ष नियुक्त करती है तथा 31-1-1986 से प्रारम्भ होकर 31-12-1988 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री शर्मा अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एक 2-32/85-आर. आर. बी.]

S.O. 2981.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri O. P. Sharma, Chairman, Thar Aanchalik Gramin Bank, Jodhpur and specifies the period commencing on the 31-1-1986 and ending with 31-12-1988 as the period for which the said Shri Sharma shall hold office as such Chairman.

[No. F. 2-32/85-RRB]

का. आ. 2982.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री एन. सी. दास को कटक ग्रामीण बैंक, कटक का अध्यक्ष नियुक्त करती है तथा 14-4-1986 से प्रारम्भ होकर 31-3-1989 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री एन. सी. दास अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एक 2-45/85 - आर. आर. बी.]

S.O. 2982.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri N. C. Das, Chairman, Cuttack Gramin Bank, Cuttack and specifies the period commencing on the 14-4-1986 and ending with 31-3-1989 as the period for which the said Shri N. C. Das shall hold office as such Chairman.

[No. F. 2-45/85-RRB]

का. आ. 2983.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री जे. सरत बाबू को चैतन्य ग्राम्य बैंक, तेनाली (आंध्र प्रदेश) का अध्यक्ष नियुक्त करती है तथा 26-5-86 से प्रारम्भ होकर 31-5-1989 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री जे. सरत बाबू अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एक 2-4/86-आर. आर. बी.]

S.O. 2983.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri J. Sarat Babu, Chairman, Chaitanya Gramya Bank, Tenali (AP) and specifies the period commencing on the 26-5-1986 and ending with the 31-5-1989 as the period for which the said Shri J. Sarat Babu shall hold office as such Chairman.

[No. F. 2-4/85-RRB]

का. आ. प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री जी. एल. खण्डेलवाल को दुर्ग राजनन्दगाँव ग्रामीण बैंक, राजनन्दगाँव (म.प्र.) का अध्यक्ष नियुक्त करती है तथा 3-4-1986 से प्रारम्भ होकर 31-3-1989 को समाप्त होने वाली अवधि के रूप में निर्धारित करती है जिसके दौरान श्री जी. एल. खण्डेलवाल अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एक 2-1/86-आर. आर. बी.]

च. वा. मीरचन्दानी, निदेशक

S.O. 2984.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri G. L. Khan, Chairman, Durg Rajnandgaon Gramin Bank, Rajnandgaon (M.P.) and specifies the period commencing on the 3-4-1986 and ending with 31-3-1989 as the period for which the said Shri G. L. Khandelwal shall hold office as such Chairman.

[No. F. 2-1/85-RRB]

C. W. MIRCHANDANI, Director

केंद्रीय उत्पादशुल्क और सीमाशुल्क बोर्ड

नई दिल्ली, 25 अगस्त, 1986

सं. 418/86-सीमा शुल्क

का. प्रा. 2985:—केंद्रीय उत्पाद शुल्क और सीमाशुल्क बोर्ड, सीमाशुल्क अधिनियम 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तमिलनाडु राज्य के सलेम जिले के सलेम तालुक में मल्लमपम्पट्टी ग्राम की भाण्डार स्टेशन घोषित करता है।

[का.स. 474/8/86-सीमाशुल्क-VII]

CENTRAL BOARD OF EXCISE AND CUSTOMS

New Delhi, the 25th August, 1986

No. 418/86-CUSTOMS

S.O. 2985.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares the Central Mallampampatti in Salem Taluk in District Salem in the State of Tamil Nadu to be a warehousing station.

[F. No. 474/8/86-CUS. VII]

सं. 419/86-सीमाशुल्क

का. प्रा. 2986:—केंद्रीय उत्पाद शुल्क और सीमा शुल्क बोर्ड, सीमाशुल्क अधिनियम 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अंध्र प्रदेश राज्य के मेडाक जिले में जहंगीरवादा का भांडारण केंद्र घोषित करता है।

[सं. 474/23/86-सीमाशुल्क-VII]

एम. मायकल, प्रवर सचिव

केंद्रीय उत्पाद शुल्क और सीमाशुल्क बोर्ड

No. 419/86-CUSTOMS

S.O. 2986.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares Zahheerabad in Medak District in the State of Andhra Pradesh to be a warehousing station.

[F. No. 474/23/86-CUS. VII]

M. MICHAEL, Under Secy.

Central Board of Excise and Customs

वाणिज्य मंत्रालय

नई दिल्ली, 23 अगस्त, 1986

का. प्रा. 2987:—केंद्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "गैस सिलेंडर" के संबंध में भारतीय मानक संस्थान प्रमाणीकरण बिन्दु को मान्यता देने की प्रस्थापना यह घोषित करने के लिए करती है कि जहाँ "गैस सिलेंडर" पर ऐसे बिन्दु लगाए या प्रयोग किए जाते हैं जहाँ वे उक्त अधिनियम के अधीन उन्हें लागू मानक विनिर्देशों के अनुरूप समझे जाएंगे;

और केंद्रीय सरकार के उक्त प्रस्थापना को निर्यात (क्वालिटी-नियंत्रण और निरीक्षण) नियम, 1964 के नियम II के उप-नियम (2) की अपेक्षानुसार निर्यात निरीक्षण परिषद् को भेज दिया है;

अतः, अब, केंद्रीय सरकार, उक्त प्रस्थापनाओं को उक्त उप-नियम के अनुसरण में उन लोगों की जानकारी के लिए प्रकाशित करती है जिनके उनसे प्रभावित होने की संभावना है।

2. सूचना दी जाती है कि यदि कोई व्यक्ति उक्त प्रस्थापनाओं के बारे में कोई आपेक्ष या सुझाव भेजना चाहता है तो वह उन्हें इस आदेश के राजपत्र में प्रकाशित होने की तारीख से पैंतालीस दिनों के भीतर निर्यात निरीक्षण परिषद्, 11 वीं मंजिल, 26 राजेंद्र प्लेस, नई दिल्ली 110008 को भेज सकता है।

स्पष्टीकरण:—इस आदेश में, "गैस सिलेंडर" से संपीड़ित गैस के भण्डारण तथा परिवहन के लिए धारणित यहाँ नीचे सूचीबद्ध, कोई भी गैस कंटेनर अभिप्रेत जिसका आयतन 500 मि. मी. से अधिक हो किन्तु

1000 लीटर से अधिक नहीं हो और जिसे किसी विशेष परिवहन या सहायक यान के साथ जोड़े जाने के लिए डिज़ाइन नहीं किया गया है।

- (i) तरल गैसों के भण्डारण तथा परिवहन के लिए निम्न कार्बन सिलेंडर;
- (ii) निम्नवायु तरल गैसों के लिए 5 लिटर जल क्षमता से अधिक के बल्लाई किए हुए निम्न कार्बन स्टील गैस सिलेंडर;
- (iii) पोत पर अग्निशमन प्रयोजनों के लिए मौबन रहित कार्बन डायक्साइड सिलेंडर;
- (iv) बीयारा न भरे जाने वाले तरल प्रदूषित गैस सिलेंडर;
- (v) निम्नवायु तरल गैसों के लिए बल्लाई किए हुए पांच लिटर से अनधिक जल क्षमता के निम्न कार्बन स्टील गैस सिलेंडर;
- (vi) स्थायी तथा उच्च दाब तरल गैसों के लिए सीबन रहित भेजाने स्टील सिलेंडर
- (vii) बल्लाई किए हुए निम्न कार्बन स्टील धुली ऐसीटिलीन गैस सिलेंडर;
- (viii) अमोनिया (निर्जलीय) गैस के लिए बल्लाई किए हुए निम्न कार्बन स्टील गैस सिलेंडर;
- (ix) क्लोरिन गैस के लिए बल्लाई किए हुए निम्न कार्बन स्टील गैस सिलेंडर, बॉर
- (x) मिथाइल ब्रोमाइड गैस के लिए बल्लाई किए हुए निम्न कार्बन गैस सिलेंडर।

[फाइल सं. 6(14)/86-ई.आई.एच.ई.पी.]

एन. एस. हरिहरन, निदेशक

MINISTRY OF COMMERCE

New Delhi, the 23rd August, 1986

S.O. 2987.—Whereas the Central Government, in exercise of the powers conferred by section 8 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), proposes to recognise the Indian Standards Institution Certification mark in relation to 'Gas Cylinders' for the purpose of denoting that where 'Gas Cylinders' are affixed or applied with such mark, they shall be deemed to be in conformity with the Standard Specification applicable thereto under the said Act;

And whereas the Central Government forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control & Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for information of the public likely to be affected thereby;

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within forty-five days of publication of this notification in the Official Gazette to the Export Inspection Council, 11th floor, Pragati Tower, 26, Rajendra Place, New Delhi-110008.

EXPLANATION:—In this Order, "Gas Cylinder" shall mean any gas container as listed hereunder intended for the storage and transportation of compressed gas having a volume exceeding 500 milli-

litres but not exceeding 1000 liters and designed not to be fitted to a special transport or under carriage.

- (i) Low carbon steel cylinders for the storage and transportation of liquefiable gases ;
- (ii) Welded low carbon steel gas cylinder exceeding 5 litre water capacity for low pressure liquefiable gases;
- (iii) Seamless carbon dioxide cylinder for fire fighting purpose on boardship;
- (iv) Non-refillable liquefied petroleum gas containers;
- (v) Welded low carbon steel gas cylinder for low pressure liquefiable gases, not exceeding 5 litre water capacity;
- (vi) Seamless manganese steel cylinders for permanent and high pressure liquefiable gases;
- (vii) Welded low carbon steel dissolved acetylene gas cylinders;
- (viii) Welded low carbon steel gas cylinder for ammonia (anhydrous) gas;
- (ix) Welded low carbon steel gas cylinder for chlorine gas; and
- (x) Welded low carbon steel gas cylinders for methyl bromide gas.

[F. No. 6(14)/86-EI&EP]
N. S. HARIHARAN, Director

(मुख्य निर्यातक, आयात- निर्यात का कार्यालय)

नई दिल्ली, 13 अगस्त, 1986

(बिबिध लाइसेंसिंग अनुभाग)

का.आ। 2988.—होटल ओबेरोय पैलेस, श्रीनगर (कश्मीर) को 19000/- रु. मूल्य के ग्लैडियोली बल्बों के आयात के लिए एक आयात लाइसेंस सं. पी/सी/0492285/8/एमएस/एच/85/एम.एल.एम. दिनांक 31-10-85, इसके जारी होने की तिथि से 18 महीने की वैधता के साथ दिया गया था। अब पार्टी ने उक्त आयात लाइसेंस की अनुलिपि आयात लाइसेंस (दोनों प्रतियां) जारी करने के लिए इस आधार पर आवेदन किया है कि मूल लाइसेंस खो गया है। लाइसेंस धारक ने एक गपपत्र दाखिल किया है जिसके अनुसार उक्त आयात लाइसेंस को किंगी भी सीमाशुल्क कार्यालय के पास पंजीकृत नहीं करवाया गया था तथा उसका बिल्कुल भी उपयोग नहीं किया गया था और लाइसेंस के मद्दे 19,000/- रु. शेष है। गपपत्र में यह भी घोषणा की गई है कि यदि उक्त आयात लाइसेंस बाद में मिल जाता है तो इसे जारी करने वाले प्राधिकारी को लौटा दिया जाएगा यह संतुष्टि होने पर कि मूल आयात लाइसेंस खो गया है, अधोस्वाक्षरी यह निदेश देता है कि आवेदक को, एक अनुलिपि आयात लाइसेंस, सीमाशुल्क तथा मुद्राविनियम नियंत्रण प्रयोजन दोनों प्रतियां जारी की जानी चाहिए। आयात (निर्यात) आदेश, 1955 की धारा 9 की उप-धारा (घ) के अंतर्गत प्रदत्त अधिकारों का प्रयोग करते हुए भी मैं, उक्त लाइसेंस की मूल सीमाशुल्क तथा मुद्रा विनियम नियंत्रण प्रयोजन प्रतियां को एतद्वारा रद्द करता हूँ।

[फा सं 18/194/85-86/एम एस एच/295]

एन.एस. कृष्णामूर्ति, उप-मुख्य निर्यातक, आयात निर्यात
कुले मुख्य निर्यातक, आयात निर्यात

(Office of the Chief Controller of Imports & Exports)

(M.L. SECTION)

New Delhi, the 13th August, 1986

S.O. 2988.—Hotel Oberoi Palace, Srinagar (Kashmir) were granted an Import Licence No. P/P/0492235/8/XX/H/85/MLS dated 31-10-85 for import of gladioli Bulbs valued at Rs. 19,000 with a validity of 18 months from the date of issue. Now the party have applied for grant of a Duplicate Import Licence (both copies) of the aforesaid Import Licence on the ground that the subject licence has been lost. The licensee has furnished necessary affidavit according to which the aforesaid Import Licence was not registered with any Customs House and was not utilised at all and the balance against the licence is Rs. 19,000. A declaration has also been incorporated in the affidavit to the effect that if the said Import Licence is traced or found later on, it will be returned to the issuing authority. On being satisfied that the Original Import Licence has been lost, the undersigned directs that a Duplicate Import Licence both Customs as well as Exchange Control Purposes copies should be issued to the applicant. I also, in exercise of the powers conferred in sub-Clause (d) of Clause 9 of the Imports (Control) Order 1955, hereby cancel the original Customs as well as Exchange Control Purpose Copies of the above licence.

[F. No. 18/194/85-86/MLS/295]
N. S. KRISHNAMURTHY, Dy. Chief Controller of
Imports & Exports
For Chief Controller of Imports & Exports

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 11 अगस्त, 1986

का. आ. 2989.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोक-हित में यह आवश्यक है कि गुजरात राज्य में डबका जी. सी. एस. से सरसवती तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी साधनों को बिछाने के प्रयोजन के लिये एनडुपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

यतः सब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करण का अपना आग्रह एतद्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हितवन् कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्मा, और देखभाल प्रभाग, मकरपुरा रोड, बरौदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की सार्फत।

अनुसूची

डबका जी सी एस से सरसवती तक पाइप लाइने बिछाने के लिए
राज्य: गुजरात जिला: बड़ोदरा तालुका: पादरा

गांव	सर्वे नं.	हेक्टेयर	आर	सेन्टीयर
1	2	3	4	5
गोही	25/1	0	09	68
	26	0	03	76
	28	0	04	64

1	2	3	4	5
	29	0	02	08
	30	0	02	16
	31	0	04	24
	कार्टट्रेक	0	01	10
	61/2	0	05	44
	60/1/ए	0	02	40
	66/6	0	00	80
	66/2+3+4+5	0	02	64
	66/1	0	01	60
	57/8	0	00	25
	57/1/ए	0	06	08
	कार्टट्रेक	0	00	96
	68	0	05	60
	452/1	0	03	00
	450	0	04	64
	451/2	0	00	64
	448/1	0	03	92
	446/2	0	03	60
	446/1	0	03	36
	445	0	05	36
	440	0	04	50
	441	0	00	50
	442/1	0	04	80
	कार्टट्रेक	0	01	60
	428/1	0	01	40
	427/2	0	05	20
	427/1	0	06	16
	कार्टट्रेक	0	00	40
	419/2	0	06	64
	कार्ट ट्रेक	0	01	20
	343	0	06	08
	344	0	07	68
	कार्टट्रेक	0	00	40
	408	0	09	60
	407	0	04	80
	406	0	06	25
	357	0	09	12
	355/1	0	08	00
	355/2	0	00	56
	354	0	13	92
	369	0	03	60
	370/2	0	04	64
	370/1	0	04	80
	371	0	06	40
	374/3	0	10	48
	फंस	0	00	40

[सं. O-12016/128/86 - ओ एन जी - बी 4]

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 11th August, 1986

S.O. 2989.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Dabka G.C.S. to Sarswani in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the said land to the Competent Authority, Oil & Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodra. (390 009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from Dabka GGS to Sarswani.

State : Gujarat District : Baroda Taluka : Padara

Village		Survey No.	Hectare	Acre	Centiare
1	2	3	4	5	6
Anti	25/1		0	09	68
	26		0	03	76
	28		0	04	64
	29		0	02	08
	30		0	02	16
	31		0	04	24
	Cart track		0	01	40
	61/2		0	05	44
	60/1/A		0	02	40
	66/6		0	00	80
	66/2+3+ 4+5		0	02	64
	66/1		0	01	60
	57/8		0	00	25
	57/1/A		0	06	08
	Cart track		0	00	96
	68		0	05	60
	452/1		0	03	00
	450		0	04	64
	451/2		0	00	64
	448/1		0	03	92
	446/2		0	03	60
	446/1		0	03	36
	445		0	05	36
	440		0	04	50
	441		0	00	50
	442/1		0	04	80
	Cart track		0	01	60
	428/1		0	01	40
	427/2		0	05	20
	427/1		0	06	16
	Cart track		0	00	40
	49/2		0	06	64
	Cart track		0	01	20

1	2	3	4	5	6
		343	0	06	08
		344	0	07	68
		Cart track	0	00	40
		408	0	09	60
		407	0	04	80
		406	0	06	25
		357	0	09	12
		355/1	0	08	00
		355/2	0	00	56
		354	0	13	92
		369	0	03	60
		370/2	0	04	64
		370/1	0	04	80
		371	0	06	40
		374/3	0	10	48
		Kans	0	00	40

[No. O-12016/128/86-ONG-D4]

का. प्रा. 2990.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वायर बेड से ऐनोड बेड तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस प्रायोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वाक्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस प्रायोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

वायर बेड और ऐनोड बेड बिछाने के लिए।

राज्य:—गुजरात जिला:—मेहसाणा

गांव	इन्वोक नं.	हेक्टेयर आर.	सेन्टीयर
लिच	884	0	02 90

[सं. O-12016/128/86—ओ एन जी डी-4]

S.O. 2990.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Wire Bed to Anode Bed in Gujarat State Pipeline should be laid by the Oil & Natural Gas Commission.

And whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the said land to the Competent Authority, Oil & Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline for Wire Bed & Anode Bed

State : Gujarat District Taluka : Mehsana

Village	Block No.	Hectare	Acre	Centiare
1	2	3	4	5
Linch	884	0	02	90

[No. O-12016/126/86-ONG-D4]

का. प्रा. 2991.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में डबका जी. सी. एम. से सरसावती तक पेट्रोलियम के परिवहन के लिए पाइप लाइन तेल तथा प्राकृतिक गैस प्रायोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वाक्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उन भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस प्रायोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

डबका जी. सी. एम. से सरसावती तक पाइप लाइन बिछाने के लिए।
राज्य:—गुजरात जिला:—बडोदरा तालुका:—पावरा

गांव	इन्वोक नं.	हेक्टेयर आर.	सेन्टीयर
रावपुरा	156	0	03 92
	158	0	04 88
	159	0	02 40
	160	0	02 00
	161	0	03 84
	174	0	10 06
	175	0	04 80
	176	0	03 50

[सं. O-12016/125/86—ओ एन जी डी-4]

S.O. 2991.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Dabka G.C.S. to Saraswanti in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the said land to the Competent Authority, Oil & Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from Dabka GCS to Saraswanti
State : Gujarat District : Baroda Taluka : Padara

1	2	3	4	5
Rajupura	156	0	03	92
	158	0	04	88
	159	0	02	40
	160	0	02	00
	161	0	03	04
	174	0	10	06
	175	0	04	80
	176	0	03	50

[No. O-12016/125/86-ONG-D4]

का. मा. 2992.—यत्तः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में के-385 से जी. जी. एस.-VI तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यत्तः यह प्रतीत होता है कि ऐसी साधनों को बिछाने के प्रयोजन के लिए एतदुपायधन अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतदुपाय घोषित किया है।

अतः कि उक्त भूमि में हितवद् कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम अधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकता है।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चिततः यह भी कथन करेगा कि क्या यह वह साक्ष्य है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

के-385 से जी. जी. एस. VI तक पाइप लाइन बिछाने के लिए।

राज्य:—गुजरात जिला:—मेहसाना तालुका:—कडी

गांव	सर्वे नं.	हेक्टेयर	अर.	सेन्टीयर
मुलासन	599	0	09	00
	605	0	12	00
	604	0	10	50
	620	0	12	30
	621	0	14	25
	624	0	16	20
	567/1	0	04	50
	566/3	0	00	75
	566/1	0	13	50
	561/1	0	07	80
	563/3	0	03	00
	561/2	0	10	50
	560	0	07	50

[सं. O—12016/124/86—सी एन जी-वी-4]

S.O. 2992.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from K-385 to G.G.S. VI in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And Whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the said land to the Competent Authority, Oil & Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline From K-385 To GGS VI.

State : Gujarat District : Mehsana Taluka : Kadi

Village	Survey No.	Hectare	Ara	Centiare
1	2	3	4	5
Julasan	599	0	09	00
	605	0	12	00
	604	0	10	50
	620	0	12	30
	621	0	14	25
	624	0	16	20
	567/1	0	04	50
	566/3	0	00	75
	566/1	0	13	50
	561/1	0	07	80
	563/3	0	03	00
	561/2	0	10	50
	560	0	07	50

[No. O-12016/124/86-ONG-D4]

फा. आ. 2993.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में डबका जी. सी. एस. से सरस्वती तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उक्त भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

डबका जी. सी. एस. से सरस्वती तक पाइप लाइन बिछाने के लिए

राज्य:—गुजरात जिला:—वडोदरा तालुका:—पादरा

गांव	ब्लॉक नं.	हेक्टेयर	आरे.	सेन्टीयर
सरस्वती	969	0	01	52
	968	0	06	00
	967	0	05	68
	966	0	04	30
	1934	0	00	91
	965	0	04	88
	963	0	04	76
	962	0	00	96
	981	0	13	60

[सं. O--12016/123/86—ओ एन जी डी-4]

S.O. 2993.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Dabka G.C.S. to Sarswani in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the said land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodra, (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from Dabka GCS to Sarswani

State Gujarat District : Baroda Taluka : Padara

Village	Block No.	Hectare	Are	Centiare
Sarswani	969	0	01	52
	968	0	06	00
	967	0	05	68
	966	0	04	00
	1934	0	00	91
	965	0	04	88
	963	0	04	76
	962	0	00	96
	981	0	13	60

[No. O-12016/123/86-ONG-D4]

फा. आ. 2994.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में के-405 से जी. जी. एक-VII तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उक्त भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

के-405 से जी. जी. एक. VII— तक पाइप लाइन बिछाने के लिए राज्य:—गुजरात जिला व तालुका:—गांधीनगर

गांव	सर्बेन.	हे.	आ.	रे.	से.	टीयर
उत्तारमद	1053	0	09	75		
	1051	0	09	60		
	1052/2	0	07	50		
	1071/1	0	06	75		
	1071/2	0	15	75		
	1036	0	06	00		

[सं. O--12016/122/86—ओ एन. जी. डी.-4]

S.O. 2994.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from K-405 to G.C.S. VII in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the said land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodra, (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from K-405 To GGS VII.

State : Gujarat District & Taluka : Gandhinagar

Village	Survey No.	Hectare	Are	Centiare
Uvarsad	1053	0	09	75
	1051	0	09	60
	1052/2	0	09	50
	1071/1	0	06	75
	1071/2	0	15	5
	1036	0	06	00

[No. O-12016/122/86-ONG-D4]

का. आ. 2995—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 1705 तारीख 8-4-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हजीरा से उन्नत तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : सुरत तालुका : ओलपाड

गाव	ब्लॉक नं.	हे	आर.	में	टोयर
गोथान	371	0	33		68

[स. O-12016/55/86—श्री. एन.जी. डी-4]

S.O. 2995.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 1705 dated 8-4-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further, whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further, in exercise of powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Hajira to Utran

State	Gujarat	District : Surat	Taluka : Olpad
Village	Block No.	Hectare	Are Centiare
Gothan	371		33 68

[No. O-12016/55/86-ONG-D4]

का. आ. 2996—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में का. - 389 से जी. जी. एम. VI तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

अतः कि उक्त भूमि में जितना कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आशेष सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडोदरा—9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर करेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चित : यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

के-389 से जी. जी. एस. VI तक पाइप लाइन बिछाने के लिए।

गांव	सर्वे. नं.	हे.	आर.	से.
जुलासन	452	0	29	55
	449	0	05	10
	448	0	03	00
	449	0	12	00
	445	0	19	05
	435	0	10	80
	436	0	03	00

[सं. O-12016/118/86-ओ एन जी-डी-4]

S.O. 2996.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from K-389 to G.G.S. VI in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the said land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara, (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline From K-389 to GGS VI

State : Gujarat District : Mehsana Taluha : Kadi

Village	Survey No.	Hectare	Are	Centiare
Julasan	452	0	29	55
	449	0	05	10
	448	0	03	00
	449	0	12	00
	445	0	19	05
	435	0	10	80
	436	0	03	00

[No. O-12016/118/86-ONG-D4]

का. आ. 2997.—यह : केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में के-413 से जी. जी. एस. V तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों की बिछाने के प्रयोजन के लिये एतदपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रस्तुत शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उक्त भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और वेख भाल प्रभाग, मकरपुरा रोड, वडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चित : यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

के-413 से जी. जी. एस. V तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : मेहसाना तालुका : कालोल

गांव	ब्लॉक नं.	हे.	आर.	सें. टीयर
ईमरड	746	0	06	00
	756	0	03	75
	745	0	03	75
	744	0	05	25
	743	0	05	25
	741	0	14	70
	792	0	13	50
	810	0	19	65

[सं. O-12016/119/86-ओ. एन. जी.-डी 4]

S.O. 2997.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from K-413 to G.G.S. V in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the said land to the Competent Authority, Oil & Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara. (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from K-413 to GGS V

State : Gujarat District : Mehsana Taluka : Kalol

1	2	3	4	5
Village	Block No.	Hectare	Are	Centiar
Isand	746	0	06	00
	756	0	03	75
	745	0	03	75
	744	0	05	25

1	2	3	4	5
	743	0	05	25
	741	0	14	70
	792	0	13	50
	810	0	19	65

[No. O-12016/119/86-ONG-D4]

का. प्रा. 2998.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में के-390 से जी. जी. एम्.-VI तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस प्रायोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वशत कि उक्त भूमि में जिसका कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिये आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस प्रायोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

के-390 से जी. जी. एम्.-VI तक पाइप लाइन बिछाने के लिए।
राज्य : गुजरात जिला : महसना तालुका : कडी

गाँव	सर्वे नं.	हेक्टेयर	आरे.	सेन्टीयर
1	2	3	4	5
जुलसान	492	0	12	00
	495	0	03	45
	496	0	22	05
	440	0	14	25
	439/1	0	07	35
	438/1	0	12	15
	436	0	05	70
	437	0	05	70

[सं. ओ-12016/120/86/ओ एन जी-डी-4]

S.O. 2998.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum for K-390 to G.G.S. VI in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the said land to the Competent Authority, Oil & Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara. (390 009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from K-390 to GGS VI.

State : Gujarat District : Mehsana Taluka : Kadi

Village	Survey.No.	Hectare	Are	Centiar
Julasan	492	0	12	00
	475	0	03	45
	496	0	22	05
	440	0	14	25
	439/1	0	07	35
	438/1	0	12	15
	436	0	05	70
	437	0	05	70

[No. O-12016/120/86-ONG-D4]

का. प्रा. 2999.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में नवागाम से बायर बेड तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस प्रायोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वशत कि उक्त भूमि में जिसका कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस प्रायोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

बायर बेड बिछाने के लिए

राज्य : गुजरात जिला : खेड़ा तालुका : मातर

गाँव	सर्वे नं.	हेक्टेयर	आर	सेन्टीयर
नवागाम	863/ए	0	00	60
	181/1/ए	0	00	80

[सं. ओ-12016/121/86-ओ एन जी-डी.-4]

पी. के. राजगोपालन, डी. कै. अधिकारी

S.O. 2999.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Nawagaun to Wire Bed in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the said land to the Competent Authority, Oil & Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline for Wire Bed

State : Gujarat	District : Kheda	Taluka : Matar		
Village	Survey No.	Hectare	Are	Centiare
Nawagam	863/A	0	00	60
	181/1/A	0	00	80

[No. O-12016/121/86-ONG-D4]

P. K. RAJAGOPALAN, Desk Officer

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 5 अगस्त, 1986

का. आ. 3000.—यतः भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ख) के उपबंध के अनुसरण में केरल विश्वविद्यालय की सीनेट द्वारा डा. पी. सुकुमारन को 4 अप्रैल, 1986 से भारतीय आयुर्विज्ञान परिषद् का सदस्य चुना गया है।

अतः, अब, उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण के केन्द्रीय सरकार पत्रव्यवस्था भूतपूर्व स्वास्थ्य मंत्रालय के दिनांक 9 जनवरी 1960 के का. आ. 138 में भारत सरकार की अधिसूचना में निम्न लिखित और संशोधन करती है, अर्थात्:—

उपर्युक्त अधिसूचना में, "धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित" शीर्ष के नीचे क्रम सं. 2 और उससे संबंधित प्रविष्टि के लिए निम्नलिखित क्रम संख्या और प्रविष्टि प्रतिस्थापित की जाएगी अर्थात्:—

2. डा. पी. सुकुमारन

प्रोफेसर (नाक, कान और गला),
चिकित्सा कायेज,
त्रिवेंद्रम

[सं. वी. 11013/12/86-एम.ई. (पी.)]

चन्द्र भान, अवर सचिव

MINISTRY OF HEALTH & FAMILY WELFARE

(Department of Health)

New Delhi, the 5th August, 1986

S.O. 3000:—Whereas in pursuance of the provision of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) Dr. P. Sukumaran

has been elected by the Senate of University of Kerala to be a member of the Medical Council of India with effect from the 4th April, 1986.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health, No. S.O. 138, dated the 9th January, 1960, namely:—

In the said notification, under the heading "Elected under clause (b) of sub-section (1) of section 3", for serial number 2 and the entry relating thereto the following serial number and entry shall be substituted, namely:—

"2. Dr. P. Sukumaran,
Professor of Ear, Nose & Throat,
Medical College,
Trivandrum.

[No. V.11013/12/86-ME(P)]
CHANDER BHAN, Under Secy.

कृषि मंत्रालय

(कृषि और सहकारिता विभाग)

नई दिल्ली, 11 अगस्त, 1986

का. आ. 3001.—आल इंडिया हैंडलूम फैब्रिक्स मार्केटिंग को-ऑपरेटिव सोसाइटी लिमिटेड, बहुराज्य सहकारी सोसाइटी अधिनियम, 1984 (1984 का 51) की दूसरी अनुसूची में सूच्य ब्रह्म राष्ट्रीय सहकारी सोसाइटी है, और उक्त सोसाइटी, बहुराज्य सहकारी कम्पाइटी अधिनियम और उसके अधीन बनाए गए नियमों में यथाअधिकृत विहित समय के भीतर सहकारी वर्ष 1984-85 के लिए अपना वार्षिक साधारण अधिवेशन नहीं कर सकी। अतः अब, केन्द्रीय सरकार, बहुराज्य सहकारी सहकारी सोसाइटी अधिनियम, 1984 की धारा 99 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, आल इंडिया हैंडलूम फैब्रिक्स मार्केटिंग को-ऑपरेटिव सोसाइटी लिमिटेड को उक्त अधिनियम की धारा 30 और बहुराज्य सहकारी सोसाइटी (रजिस्ट्रेशन, सदस्यता, निदेश और प्रबंध, विवादों का निपटारा, अपील और पुनरीक्षण) नियम, 1985 के नियम 20 के, जहां तक उसका संबंध सहकारी वर्ष 1984-85 के लिए पूर्वोक्त सोसाइटी के वार्षिक साधारण अधिवेशन कराने से है, उपबंधों से 31 मई, 1986 तक की अवधि के लिए छूट देती है।

[सं. एच. 11011/6/86-एल एंड एम]

MINISTRY OF AGRICULTURE

(Department of Agriculture & Cooperation)

New Delhi, the 11th August, 1986

S.O. 3001.—Whereas the All India Handloom Fabrics Marketing Cooperative Society Limited is a national co-operative society listed in the Second Schedule to the Multi-State Cooperative Societies Act, 1984 (51 of 1984);

And, whereas, the said society was not able to hold its Annual General Meeting for the cooperative year 1984-85 within the prescribed time as laid down in the Multi-State Cooperative Societies Act and the Rules thereunder;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 99 of the Multi-State Cooperative Societies Act, 1984, the Central Government is pleased to exempt the All India Handloom Fabrics Marketing Cooperative Society Limited from the provisions of section 30 of the said Act and Rule 20 of the Multi-State Cooperative Societies (Registration, Membership, Direction and Management, Settlement of Disputes, Appeal and Revision) Rules, 1985 in so far as it relates to holding of the Annual General Meeting of the aforesaid society for the cooperative year 1984-85, for a period upto 31st May, 1986.

[No. L. 11011/6/86-L&M]

का. आ. 3002.—नेशनल फेब्रेशन ग्रॉफ जरबन को-ऑपरेटिव बैंक एंड क्रेडिट सोसाइटीज लिमिटेड, बहुराज्य सहकारी सोसाइटी अधिनियम,

1984 (1984 का 51) की दूसरी अनुसूची में सूचीबद्ध राष्ट्रीय सहकारी सोसाइटी है,

और उक्त फेडरेशन बहुराज्य सहकारी सोसाइटी अधिनियम और उसके अधीन बनाए गए नियमों में यथा अधिकृत विहित समय के भीतर सहकारी वर्ष 1984-85 के लिए अपना वार्षिक साधारण अधिवेशन नहीं कर सका,

अतः, अब, केन्द्रीय सरकार, बहुराज्य सहकारी सोसाइटी अधिनियम 1984 की धारा 99 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नेशनल फेडरेशन ऑफ अग्रबन काआपरेटिव बैंक एंड क्रेडिट सोसाइटीज लिमिटेड को उक्त अधिनियम की धारा 30 और बहुराज्य सहकारी सोसाइटी (रजिस्ट्रिकरण सदस्यता, निदेश और प्रबंध, विवादों का निपटारा, अपील और पुनरीक्षण) नियम, 1985 के नियम 20 के, जहां तक उसका संबंध सहकारी वर्ष 1984-85 के लिए पूर्वोक्त फेडरेशन के वार्षिक साधारण अधिवेशन करने से है, उपबंधों में 31 मई, 1986 तक की अवधि के लिए छूट देती है।

[मं. एल. 11011/19/85-एन. एंड एम.]

S.O. 3002.—Whereas the National Federation of Urban Cooperative Banks and Credit Societies Limited is a national cooperative society listed in the Second Schedule to the Multi-State Cooperative Societies Act, 1984 (51 of 1984);

And, whereas, the said Federation was not able to hold its Annual General Meeting for the cooperative year 1984-85 within the prescribed time as laid down in the Multi-State Cooperative Societies Act and the Rules thereunder;

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 99 of the Multi-State Cooperative Societies Act, 1984, the Central Government is pleased to exempt the National Federation of Urban Cooperative Banks and Credit Societies Limited from the provisions of Section 30 of the said Act and Rule 20 of the Multi-State Cooperative Societies (Registration, Membership, Direction and Management, (Settlement of Disputes, Appeal and Revision) Rules, 1985 in so far as it relates to holding of the Annual General Meeting of the aforesaid Federation for the cooperative year 1984-85 for a period upto 31st May, 1986.

[No. L. 11011/19/85-L&M]

का. आ. 3003:—नेशनल एग्रीकल्चरल कोआपरेटिव मार्केटिंग फेडरेशन आफ इंडिया लिमिटेड (नाफेड), बहुराज्य सहकारी सोसाइटी अधिनियम, 1984 (1984 का 51) की दूसरी अनुसूची में सूचीबद्ध राष्ट्रीय सहकारी सोसाइटी है,

और उक्त सोसाइटी, सहकारी वर्ष 1984-85 के लिए अपना वार्षिक साधारण अधिवेशन 31 मार्च, 1986 तक बहाए गए समय तक नहीं कर सका,

अतः, अब, केन्द्रीय सरकार, बहुराज्य सहकारी सोसाइटी अधिनियम 1984 की धारा 99 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नाफेड को उक्त अधिनियम की धारा 30 और बहुराज्य सहकारी सोसाइटी (रजिस्ट्रिकरण सदस्यता, निदेश और प्रबंध, विवादों का निपटारा, अपील और पुनरीक्षण) नियम, 1985 के नियम 20 के, जहां तक उसका संबंध नाफेड के वार्षिक साधारण अधिवेशन करने से है, उपबंधों में 1 अप्रैल 1986 से 30 जून, 1986 तक की अवधि के लिए छूट देती है।

[मं. एल. 11011/20/85-एन. एंड एम.]

आर. एस. हंसरा, अवर सचिव

S.O. 3003.—Whereas the National Agricultural Cooperative Marketing Federation of India Limited (NAFED) is a national cooperative society listed in the Second Schedule to the Multi-State Cooperative Societies Act, 1984 (51 of 1984);

And, whereas, the said society was not able to hold its Annual General Meeting for the Cooperative year 1984-85 by the extended time upto 31st March, 1986;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 99 of the Multi-State Cooperative Societies Act, 1984, the Central Government is pleased to exempt NAFED from the provisions of section 30 of the said Act and Rule 20 of the Multi-State Cooperative Societies (Registration, Membership, Direction and Management, Settlement of Disputes, Appeal and Revision) Rules, 1985, in so far as it relates to holding of the Annual General Meeting of NAFED for a period from 1st April, 1986 to 30th June, 1986.

[No. L. 11011/20/85-L&M]

R. S. HANSRA, Under Secy.

संचार मंत्रालय

(दूरसंचार विभाग)

नई दिल्ली, 11 अगस्त, 1986

का. आ. 3004:—स्थायी आदेश संख्या 627, दिनांक 8 मार्च 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार महानिदेशक, दूरसंचार विभाग ने पेड्डापल्ली टेलीफोन सेंटर, आंध्र प्रदेश सर्किल में दिनांक 1-9-1986 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-30/86-पी एच बी]

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

New Delhi, the 14th August, 1986

S.O. 3004.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Department of Telecommunications, hereby specified 1-9-1986 as date on which the Measured Rate System will be introduced in Peddapalli Telephone Exchanges, Andhra Pradesh Telecom. Circle.

[No. 5-30/86-PHB]

का. आ. 3005:—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार महानिदेशक, दूरसंचार विभाग ने मंसपुरम, टेलीफोन सेंटर, तमिलनाडु सर्किल में दिनांक 01-09-1986 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-33/86-पी एच बी]

वी. श्रीनिवासन, महानिदेशक

(पी. एन. बी.)

S.O. 3005.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S. O. 627 dated 8th March, 1960, the Director General, Department of Telecommunications, hereby specified 1-9-86 as the date on which the Measured Rate System will be introduced in Mansapuram Telephone Exchange, Tamil Nadu Circle.

[No. 5-33/86-PHB]

V. SRINIVASAN, Asstt. Director General (PHB)

अभ्य मंत्रालय

नई दिल्ली, 31 जुलाई, 1986

सा. का. 3006:—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 15 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय दूतावास, दोहा (कतार) के कार्यरत श्री राजीव डोंगरा को 15-4-1986 से अगले आदेश जारी होने तक सक्षम प्राधिकारी की शक्तियों का प्रयोग करते तथा उन नियोजकों, जो उस देश में रोजगार के लिए किसी भारतीय नागरिक की भरती करने के प्रयोजनार्थ भारतीय नागरिक नहीं है, को परमिट जारी करने के लिए प्राधिकृत करती है।

[का. सं. ए-22020/1/86-उत्प्रवास-II]

ए. के. टेंडन, उत्प्रवास महानिदेशक तथा संयुक्त सचिव

MINISTRY OF LABOUR

New Delhi, the 31st July, 1986

S.O. 3006.—In exercise of the powers conferred by sub-section (2) of Section 15 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Shri Rajiv Dogra, Charge d'Affairs of Indian Embassy, Doha (Qatar) to exercise the powers of Competent Authority and to issue permits to the employers who are not citizens of India for the purpose of recruiting any citizen of India for Employment in that country w.e.f. 15th April, 1986 till further orders.

[F. No. A-22020/186-Emig. II]

A. K. TANDON, Protector General of Emigrants and Jt. Secy.

नई दिल्ली, 8 अगस्त, 1986

का. प्रा. 3007.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में, केन्द्रीय सरकार, मैसम वेस्टर्न कोलफील्ड्स लिमिटेड, डा. रंगटा कोलरी, जिला सेहदोल (म. प्र.) के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट का प्रशासन करती है, जो केन्द्रीय सरकार को 1 अगस्त, 1986 को प्राप्त हुआ था।

New Delhi, the 8th August, 1986

S.O. 3007.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Western Coalfields Limited, P.O. Rungta Colliery, Distt. Shahdol (M.P.) and their workmen, which was received by the Central Government on the 1st August, 1986.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGI/LC(R)(24)/1985

PARTIES :

Employers in relation to the management of Western Coalfields Limited, Post Office Rungta Colliery, District Shahdol (M.P.) and their workman Shri Dinesh Kumar Gupta, Driver, represented through the M.P. Koyala Khadan Mazdoor Panchayat Sohagpur Area, W.C.L. Post Office Dhanpuri, District Shahdol (M.P.)

APPEARANCES :

For Union—Shri D. L. Agarwal,

For Management—Shrfi P. S. Nair, Advocate.

INDUSTRY : Coal DISTRICT : Shahdol (M.P.)

AWARD

Dated : July 24, 1986

This is a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947, vide Notification No. L22012(180)/83-D.III.B/D.V. dated 26th March, 1985.

2. The facts in the instant case are not disputed which are as follows:—

(1) That the petitioner Union through its General Secretary raised an industrial dispute regarding the difference of wages accruing to Shri D. K. Gupta as a Heavy Motor Driver i.e. on 5-2-1979. This dispute dated 2-10-1982 was delivered to the A.L.C. (C) Shahdol on 8-10-1982. Conciliation proceedings were commenced on 15-12-1982 and case was fixed for 4-10-1983 for the production of records of the management.

(2) However, the management served a charge-sheet dated 26-5-1984 against Shri D. K. Gupta for certain allegation of misconduct of assault and abuses etc. Subsequently a domestic enquiry was held and he was dismissed from ser-

vice vide order dated 27-8-1983. The Union took up the matter before A.L.C. (C) but it ended in failure report on 17-12-1983. On this failure report the following reference has been made by the Central Government:

"Whether the action of the management of Western Coalfields Limited through Dy. S.M.S. Central Store, Dhanpur, Sohagpur area in dismissing Shri Dinesh Kumar Gupta, Driver during the pendency of conciliation proceedings is justified? If not, what relief the workman is entitled to?"

I have heard parties and perused the record.

3. Section 33(2) deals with the alterations in the conditions of service as well as discharge or dismissal of workman concerned in any pending dispute where such alteration or such discharge or dismissal is in regard to a matter not connected with the pending dispute. It is clear that only two kinds of punishments are subject to the conditions of the proviso, namely, discharge or dismissal. Any other kind of punishment is not within the proviso.

4. It would be noticed that even during the pendency of an industrial dispute the employer's right is recognised to make an alteration in the conditions of service so long as it does not relate to a matter connected with the pending dispute and this right can be exercised by him in accordance with the relevant standing orders. In regard to such alteration no application is required to be made and no approval is to be obtained.

5. When an employer, however, wants to dismiss or discharge a workman for alleged misconduct not connected with the dispute he can do so in accordance with the standing orders but a ban is imposed on the exercise of this power by the proviso. The proviso requires that no such workman shall be discharged or dismissed unless two conditions are satisfied, the first is that the employee concerned should have been paid wages for one month, and the second is that an application should have been made by the employer to the appropriate authority for approval of the action taken by the employer.

6. In the instant case admittedly the management has not complied with either of these two conditions. Neither one month's wages has been paid to him nor an application was moved by the employer to the A.L.C.(C) concerned. As such the termination is illegal and contravention of the proviso to sub-section (2) of Section 33 of the I.D. Act. Learned Counsel for the management has, however, contended that they be allowed to adduce the evidence before this Tribunal to prove the misconduct. On the other hand, on behalf of the Union it has been pointed out that the order of reference simply says "Whether the dismissal of Shri D. K. Gupta, Driver, during the pendency of conciliation proceedings is justified". It is now well settled that this Court cannot go beyond the scope of reference (See page 457 of Law on Industrial Dispute by Vithalbhay B. Patel, Third Edn. Vol. I). If this Court allows the management to prove the misconduct and decide the case on merit it will amount to adjudication beyond the scope of reference.

7. The contravention of Section 33 if it takes place during the pendency of conciliation proceedings before a conciliation officer or Board previously there was no remedy for this. Now the proceedings before them are brought within the umbrella of Section 33A for appropriate action. The workman is given a right to file a complaint and the conciliation officer or board is to take such complaint in account in mediating and promoting the settlement of such industrial dispute.

8. It appears that the A.L.C.(C) mediated on the complaint and promoted this settlement by way of referring the dispute to the Central Government and the Central Government has made this reference under Section 10 of the I.D. Act, 1947 to this Tribunal. Therefore for this reason also I cannot go beyond the reference and determine the question of dismissal on merits. I, therefore, hold that the action of the management of Western Coalfields Limited

through Dy. S.M.S. Central Store, Dhanpur, Sohagpur Area in dismissing Shri Dinesh Kumar Gupta Driver during the pendency of conciliation proceedings is not justified. Dismissal being illegal is liable to be set aside and the workman reinstated with full back wages and all ancillary relief. No order as to costs.

V. S. YADAV, Presiding Officer
[No. L-22012/180/83-D.III(B)]

का. आ. 3008 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, नेशनल मिनेरल डेवलपमेंट कॉर्पोरेशन लिमिटेड, बैलादिला आयरन ओर प्रोजेक्ट, डिपॉजिट नं. 11, डा. किरन्दूल, जिला बस्तर (म. प्र.) के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-8-86 को प्राप्त हुआ था।

S.O. 3008.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of National Mineral Development Corporation Limited, Bailadila Iron Ore Project, Deposit 11 in P.O. Kirandul, District Bastar (M.P.) and their workmen, which was received by the Central Government on the 5th August, 1986.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(56) of 1985

PARTIES :

Employers in relation to the management of Bailadila Iron Ore Project Deposit No. 14, P.O. Kirandul, District Bastar (M.P.) and their workman Shri K. P. Panda, Core Driller Operator, represented through the Bharatiya Khadan Shramik Sangh (HMS), G-15, Behind Post Office, P.O. Kirandul, District Bastar (M.P.).

APPEARANCES :

For Workman—None.

For Management—Shri P. S. Nair, Advocate.

INDUSTRY : Iron Ore Mine DISTRICT : Bastar (M.P.)

AWARD

Dated. July, 30, 1986

In exercise of its powers conferred by Clause 10(1)(d) of the Industrial Disputes Act, 1947, the Central Government has referred the following dispute, for adjudication, vide Notification No. L-26012/11/83-D. III.B Dated 19th June, 1985 :—

"Whether the action of the N.M.D.C. Bailadila Iron Ore Deposit 11 in not allowing the better leave facilities and other benefits as per NMDC Service Regulations to Shri K. P. Panda, Core Driller Operator is justified? If not, to what relief is the workman entitled?"

2. The case of the management is that NMDC has a certified Standing Orders dated 22-4-1982 effective from 10-5-1982. The service conditions of the employees are defined in the Industrial Employment (Standing Orders) Act, 1946 according to which the service conditions including leave and other facilities are governed by the Standing Orders. Therefore the workman Shri K. P. Panda, is not entitled to any other benefits except those mentioned in the Certified Standing Orders. Even otherwise the workman cannot claim benefits under two sets of rules because same will amount to discrimination and disparity and will give rise to discontentment.

3. The workman did not appear inspite of service of notice against him. He was therefore proceeded ex parte. The management led no evidence but only relied on the N.M.D.C. Service Regulation (hereinafter referred to as the Service Regulations) and the said certified Standing Orders, Clause (f) of Section 2 of the Service Regulations defines "employee" as under :—

"Employee" means any person who holds a post under the Corporation, other than a casual employee, a member of the workcharged establishment, a person paid from contingencies or a persons whose conditions of service are governed by the Standing Orders framed under the Industrial Employment (Standing Orders) Act, 1946, and includes any person whose services are temporarily placed at the disposal of the Central Government, a State Government, a Government Industrial Undertaking or a local or other authority."

This thus excludes the person whose conditions of service are governed under the Standing Orders framed under the Industrial Employment (Standing Orders) Act, 1946. However, it may be contended that Saving Clause 42 of the Standing Orders exclude any Agreement arrived at between the Union and the Management. Therefore the workman is entitled to leave facilities and other benefits as per the Regulations. I am unable to agree. Firstly no such agreement has been proved before me. Secondly the Saving Clause itself lays down that only certain categories of employee mentioned therein are to be given leave facilities and other benefits according to the N.M.D.C. Service Regulations. I have gone through the list mentioned therein and I find it does not mention Core Driller Operator to which category workman belongs. He is therefore not entitled to leave facilities and other benefits as per the said Regulations. I accordingly answer the reference as under :—

That the action of the N.M.D.C. Bailadila Iron Ore Deposit 11 in not allowing the better leave facilities and other benefits as per N.M.D.C. Service Regulations to Shri K. P. Panda, Core Driller Operator, is justified. Therefore he is not entitled to any relief. No order as to costs.
30-7-1986.

V. S. YADAV, Presiding Officer
[No. L-26012/11/83-D.III(B)]

नई दिल्ली, 11 अगस्त, 1986

का. आ. 3009 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सैतना स्टोन एण्ड लाईम कंपनी लिमिटेड, सतना (म. प्र.) के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-1986 को प्राप्त हुआ था।

New Delh, the 11th August, 1986

S.O. 3009.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Satna Stone and Lime Company Limited, Satna (M.P.) and their workmen, which was received by the Central Government on the 4th August, 1985.

ANNEXURE

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR, (M.P.)

Case No. CGIT/LC(R)(29) of 1985

PARTIES :

Employers in relation to management of Satna Stone & Lime Co. Ltd. Satna Sidine, Satna and their workmen (numbering 13 mentioned in the Schedule to

the order of reference) represented through the General Secretary, S.K.M.S. (AITUC) Satna, (M.P.).

APPEARANCES:

For Workmen—Shri K. M. Pillai,

For Management—S/Shri D. G. Mukerjee, Personnel Manager and Santosh Khare, Advocate.

INDUSTRY : Stone Mine. DISTRICT : Satna (M.P.)

AWARD

Dated, July 25, 1986

This is a reference made by the Central Government vide Notification No. L-29011/2/85-D. III(B) dated 20th April, 1985 for adjudication of the following dispute:—

“Whether the management of Satna Stone and Lime Company Limited, Satna (M.P.) is justified in dismissing the following workmen with effect from 14th January, 1984? If not, to what relief are the workmen concerned entitled?”

Names of workmen :

1. Shri Hira Chamar S/o Kisayara Dulla
2. Shri Ram Sunder S/o Madan Gopal
3. Shri Sharadha Chamar S/o Chhanga
4. Smt. Bhanu w/o Dulla Chamar
5. Shri Lachman Chamar S/o Duddha
6. Shri Shyam Kumar S/o Duddha
7. Shri Jeevan Kol S/o Pandu Kol
8. Shri Munna Kol S/o Baijnath
9. Shri Ramkhilavan S/o Ram Milan
10. Shri Ram Vishwas Kotwar S/o Baiju
11. Smt. Sonia Kilin W/o Chhota Kol
12. Smt. Sukhmanti W/o Ganga Kol
13. Shri Maika Dohar S/o Shiv Gulam.

2. The non-controversial facts of the case are that 13 of these workmen of batch Nos. 28 and 29 were chargesheeted by the management on the ground that with effect from 16-8-83 to 15-10-1983 they gave respectively 55 per cent and 56 per cent less output than as laid down in the settlement dated 8-1-1978 and the written order of the management. This act of their amounts to misconduct within the meaning of Sec. 17(iii)(a) of the Standing Orders of the Company. One Shri J. P. Nigam Advocate was appointed the Enquiry Officer. He conducted the domestic enquiry and found the misconduct proved. Accordingly Mines Manager awarded the punishment of dismissal. The matter came up in reference before this Tribunal and I decided the preliminary issue on 31-3-86 holding that the domestic enquiry is not proper and legal and it is vitiated. Management was given an opportunity to adduce evidence to prove the misconduct and the workmen to rebut the same. Parties adduced their evidence and argued the case on merit.

3. The following issues no. 2 to 4 are to be decided:—

ISSUES

1. Whether the enquiry is proper and legal?
(This issue was decided vide order dated 31-3-86).
2. If not, whether the termination of the workmen is justified on facts of the case?
3. Whether the punishment awarded is proper and legal?
4. Relief and costs?

My findings with reasons on Issue Nos. 2 to 4 are as under. Findings with reasons:—

4. Issue Nos. 2, 3 and 4:—On behalf of the management Foreman, Shri Lal Bahadur Singh (M.W. 2) and Time Keeper, Ahmed Saveed (M.W. 3) are examined. Shri Lal Bahadur Singh has stated that these workmen have to remove over burden and take out limestone out of the quarry. Removal of over burden is measured after 30 days and taking out

the lime is measured every day. Wages are paid to the workmen according to the Settlement dated 8-1-1978 (Ex. M/55) arrived at between the management and the union. He has further stated that notice of change under Section 9A of the I.D. Act (Ex. M/60) dated 22-12-1977 was given, copy of it Ex. M/65 was pasted on the Board. Copy of the settlement was also given to all concerned mentioned therein. The settlement was arrived on account of Gherao and it was announced to the workers in a public meeting. As per the Settlement the workmen were to give output of 1.60 tonnes per day. Before the relevant period in the year 1980-81 and 1982 and upto 15-8-1983 they gave more out put than required. But during the period from 16-8-1983 to 15-10-1983 they started giving less output. He therefore warned them but they did not improve. Instead they started saying that they will get the minimum wages in any case so they are not concerned with the out put. The workers did not put any difficulty as a reason for less out put. In fact, the working conditions are improved from before. Ultimately he reported the matter to the management and the management told the bill clerk to prepare the analysis of work done by batch nos. 28 and 29.

5. Bill Clerk viz. Time Keeper, Shri Ahmed Sayeed, prepared the analysis chart Ex. M/66 and Ex. M/67 respectively of batch no. 28 and 29. These analyses go to show that batch no. 28 gave 46.6 per cent and batch no. 42.3 per cent less out put. This witness has further stated that every month wage slips (Ex. M/68) were given to the workmen which were prepared on the basis of pay sheets which he had brought at the time of evidence.

6. Their statements are challenged on the ground that Shri Lal Bahadur Singh is a brother of Shri Jaibir Singh, the leader of the puppet union which had signed Ex. M/55. Both these witnesses have given their statements on the basis of the record. Therefore their statements cannot be disbelieved simply because they may be interested witnesses.

7. On the basis of these facts it has been contended that the applicants are not the members of the said puppet union therefore the settlement is not binding on them. In this regard management has relied on the decision of Aryodaya Ginning and Manufacturing Co. Vs. Their workmen (1957-1-LLJ 345) wherein it has been held that though the employees who are not members of the registered union may not be bound by an agreement entered into by the second union but they are not entitled to disobey the orders passed by the management on the basis of the agreement registered.

8. On behalf of the Union only one Jeevan Kol workman has been examined. He has stated that they have no knowledge of the settlement or the Standing Orders or any order regarding out put alleged to have been passed by the management. He has also stated that their out put is never measured before them nor any measurement slip was issued to them. They were never given any report of their out put. Mining Sirdar, Mining Foreman, Mining Mate and Mines Manager supervise their work and they work from 8 a.m. to 4.30 p.m. with a lunch break of half an hour. He has further stated that there are seven patches of about 30—36 workers but they alone were suspended and punished and not the rest of them because the management says that Red Flag, Union give lot of trouble. Management has also told them that they should join the INTUC Union otherwise they will not be taken back in service. In his cross-examination he has admitted that at the time of their wages they used to get the wage slips like Ex. M/68. Ex. M/68 shows the measurement of work done in Col. No. 3 which relates to this very workman, Jeevan Kol, for period from 16-9-83 to 15-10-83. This belies the statement of this witness that their work was not measured and they had no knowledge about it. In his cross-examination he has also admitted that their Union has protested against the settlement. This further shows that they had the knowledge about the settlement and he is telling lie in that regard. He was asked that in their reply to show cause notice Ex. M/29 which was a joint reply they did not mention the fact that they were asked to join the INTUC Union and since they refused they were victimised. The plea of the witness that they are illiterate therefore they had not mentioned the same. In their reply Ex. M/29 they have raised various legal points so illiteracy cannot be taken a valid plea. If in fact they were asked to

join INTUC Union and leave their Union they would have not failed to mentioned the same in their reply specially when they were being represented by the leader of Lal Jhanda Union. This therefore appears to be an after thought. This witness does not appear to have any respect for truth. He even stated that they were denied opportunity to examine themselves in the domestic enquiry. But in his cross-examination he had to admit that he and his union representative, Mr. Pillai, had signed the statement Ex. M/66 which is the statement of this witness. Management witnesses have explained that other workmen heeded their warning and started giving proper output. Therefore they were not punished. In the case of Bharat Sugar Mills Vs. Jai Singh (1961-II-LJ p. 644) it has been held that without knowing the circumstances under which 13 other workmen who were also charged with "go slow" were taken back in service. It cannot be found that the management discriminated against the concerned workmen. Thus the plea of discrimination and victimisation fails to the ground.

9. Second ground urged is that Factory Manager was not competent to order enquiry and pass the dismissal order. This plea is without any substance. Standing Order Ex. M/56 in Sec 2(b) defines Manager which means the Company Mines Manager or Acting Mines Manager for the time being. Sec. 16 of the Standing Orders under which the disciplinary action was taken authorises Mines Manager to issue a chargesheet and take action.

10. Similarly the chargesheet Ex. M/22 to Ex. M/28 of batch no. 28 and Ex. M/16 to Ex. M/21 of batch no. 29 specially mentioned the Standing Order. Therefore the contention that they were not charge-sheeted under the Standing Orders is without any substance.

11. It has further contended that neither there was a preliminary enquiry nor mining Mate who took the work from them has been examined. In fact, there was no written complaint against them. Therefore the allegations against them are not proved. To my mind preliminary enquiry or complaint or examination of Mining Mate is not essential. In the instant case, Foreman who verified their work and Time Keeper who kept the record have been examined. From their statements and the documents proved by them i.e. Management's order dated 19-1-78 (Ex. M/54), Settlement dated 8-1-1978 (Ex. M/55), Notice of change dated 22-12-77 (Ex. M/60), work analysis report Ex. M/66 and Ex. M/67, Standing Order Ex. M/56 and the work analysis report of other workers Ex. M/57 and Ex. M/59 and reply to show cause notice dated 6-12-83 (Ex. M/63) and Wage Slip Ex. M/68 proves the case of the management which the workmen have failed to rebut. I, therefore, find that the termination of the workmen on the charges proved is justified.

12. As for the contention that the punishment awarded is too severe it will suffice to quote the observation made in the case of Bharat Sugar Mills Ltd. (Supra) :—

"Go-slow" which is a picturesque description of deliberate delaying of production by workmen pretending to be engaged in the factory is one of the most pernicious practices that discontented workmen some time resort to. It would not be far wrong to call this dishonest. For, while thus delaying production and thereby reducing the output, the workmen claim to have remained employed and thus to be entitled to full wages. Apart from this also "go-slow" is likely to be much more harmful than total cessation of work by strike. For, while during a strike much of the machinery can be fully turned off, during the "go slow" the machinery is kept going on a reduced speed which is often extremely damaging to machinery parts. For all these reasons "go-slow" has always been considered a serious type of misconduct.

The evidence adduced before the industrial tribunal clearly established that some of the concerned workmen were guilty of misconduct of go-slow as defined in the relevant standing orders of the management. When the management took action against the concerned workmen for the misconduct of go-slow which was established by the evidence adduced before the industrial tribunal, it cannot be contended

that the concerned workmen were aided by the management in order to victimize them for their trade union activities. If the misconduct had not been serious and still the management sought to dismiss them taking advantage of the fact that under the standing orders a punishment of dismissal could be given there might have been some scope for an argument that the apparent reason for the management's action was not the real reason. It is not possible to consider actual participation in go-slow as anything but very serious misconduct and no management could be accused reasonably mala fide or of revengefulness if it proposes punishment of dismissal for such conduct."

I, therefore, find that the punishment of dismissal awarded for "go-slow" policy of these workmen is also just and proper. The workmen are not entitled to any relief. I, therefore, decide the issues accordingly and answer the reference that the management of Satna Stone and Lime Company Ltd., Satna, (M.P.) is justified in dismissing the 13 workmen concerned mentioned in the schedule to the reference order with effect from 14-1-1984. They are not entitled to any relief. No order as to costs.

Dated : 25-7-1986.

V. S. YADAV, Presiding Officer
[No. L-29011/2/85-D.III (B)]
V. K. SHARMA, Desk Officer

नई दिल्ली, 11 अगस्त, 1986

का.प्र. 3010.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारत कोकिय कोल लि. की गोधुर कोलियरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, वं. 1, प्रवाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-1986 को प्राप्त हुआ था।

New Delhi, the 11th August, 1986

S.O.3010.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Godhur Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 5th Aug. 1986.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 49 of 1984.

PARTIES :

Employers in relation to the management of Godhur Colliery of M/s. Bharat Coking Coal Ltd.

AND

Their Workmen.

PRESENT :

Shri I. N. SINHA, Presiding Officer.

APPEARANCES :

For the Employers—Shri S. N. P. Singh, P.M., K/Area.

For the Workmen—Shri O. P. Sinha, Area
Secretary, Rashtriya Colliery Mazdoor
Sangh.

STATE : Bihar. INDUSTRY : Coal.

Dhanbad, dated, the 31st July, 1986.

AWARD

The present reference arises out of Order No. L-20012(112)|84-D.III(A), dated, the 30th July, 1984, passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :—

“Whether the action of the management of Godhur Colliery of M/s. Bharat Coking Coal Limited, P.O. Kusunda, Distt. Dhanbad in dismissing from service Shri Dukhi Ram, Loader in October 1983 is justified? If not, to what relief the said workman is entitled?”

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry of Labour as required under section 15 of the Industrial Disputes Act, 1947.
Dated : 31-7-1986.

I. N. SINHA, Presiding Officer.
[No. L-20012|112|84-D.III(A)]

Part of the Award.

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL NO. I.

AT DHANBAD

Reference No. 49 of 1984

Employers in relation to the management of
Godhur Colliery.

AND

Their Workmen.

Petition of compromise.

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

- (1) That the Central Government by notification No. L-20012(112)|84-D-III(A) dated 30-7-84 has been pleased to refer the present dispute for adjudication to this Hon'ble Tribunal for adjudication on the issue contained in the schedule of reference which is reproduced below :—

SCHEDULE

“Whether the action of the management of Godhur Colliery of M/s. Bharat Coking Coal Ltd., P.O. Kusunda, Distt. Dhanbad in dismissing from service Sri Dukhi Ram, Loader in October 1983 is justified? If not, to what relief the said workman is entitled?”

- (2) That the parties have amicably settled the dispute on the following terms :—

Terms of Settlement :

- (a) That the concerned workman Sri Dukhi Ram, will be reinstated as Miner|Loader within one week from the date of reporting for duties, subject to medical fitness and proper identification.
- (b) That the period of idleness from 20-10-83 till the date of reinstatement will be considered as leave without wages and his continuity of service will be maintainable.
- (c) That the concerned workman will not claim any other relief except continuity of service for the period of his idleness from 20-10-83 till the date of joining.
- (3) That in view of the settlement there remains nothing to be adjudicated.

It is, therefore, humbly prayed that the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper, and please to pass the Award in terms of the settlement.
For the Employers:

- (1) (S. N. P. Sinha)
P.M. K|Area.
- (2) (A. Kumar)
Dy. P.M.K.|Area.
- (3) (RNP Singh),
Sr. P.O., Godhur Colliery.

For the workmen :

- (1) (O. P. Sinha)
Area Secy., RCMS.
- (2) (B. D. Sinha)
- (3) (Dukhi Ram)

Dated 28-7-86.

DECLARATION

I, Sri Dukhi Ram, do hereby declare and state that I have fully, understood the contents of the above paras and I fully, accept the terms of settlement.

Dukhi Ram.

I. N. SINHA, Presiding Officer.

नई दिल्ली, 13 अगस्त, 1986

का. प्र. 3011.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार, भारत कोकिंग कोल लि. की आकाशकितारी कोलियरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कार्यकारी के बीच, अन्वय में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, धनबाद के पंचाद को

प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-1986 को प्राप्त हुआ था।

New Delhi, the 13th August, 1986

S.O. 3011.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Akashkinari Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 8th August 1986.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 46 of 1984

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Akashkinari Colliery of Messrs. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri J. P. Singh, Advocate.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 30th July, 1986.

AWARD

The Government of India, Ministry of Labour and Rehabilitation in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(164) 84-D.III(A), dated, the 3rd August, 1984.

THE SCHEDULE

“Whether the action of the management of Akashkinaree Colliery of Messrs. Bharat Coking Coal Limited in not promoting Shri B. N. Lalla either as Assistant Cap Lamp Room Incharge or as Cap Lamp Room Incharge, especially when his juniors have been promoted, is justified? If not, to what relief is the workman entitled?”

The case of the workmen is that the concerned workman Shri B. N. Lalla was working as Cap Lamp Fitter in Akashkinaree Colliery with the erstwhile management prior to the nationalisation of the Coal Mines. He was working with effect from 16-7-1970 but date of appointment was changed from 16-7-70 to 16-8-1971 in the records of the management. Although the concerned workman was shown

designated as Cap Lamp Fitter but actually he has been working as a Cap Lamp Incharge. The concerned workman made numerous representation before the managements for his promotion to the post of Cap Lamp Incharge while he was performing the duties of Cap Lamp Incharge but his claim was ignored and he was prevented from getting his original claim to the post of Cap Lamp Incharge. Along with the concerned workman three other persons were working in The Cap Lamp Room of Akashkinari Colliery. Out of them one Md. Basir Cat. I Mazdoor was promoted as Asstt. Cap Lamp Incharge from 12-12-79. The other persons Shri Jogendra Singh was a Cap Lamp Fitter who was also promoted as a Cap Lamp Incharge from 15-10-1982 and the third Shri Rajendra Pd. Viswakarma who was a chairman was arbitrarily promoted as Cap Lamp Incharge from 30-12-76. All the three persons were junior to the concerned workman. A gross injustice and discrimination have been made in not promoting the concerned workman by the management whereas his juniors have been promoted. The concerned workman was sent for training in the installation, maintenance of Oldham Cap Lamp to Disergarh which he successfully completed. He was also given instructions on the method of self service system and the course also included the legal responsibility of the Cap Lamp Cabin Incharge. After completion of the training both written and verbal test were made and the concerned workman passed the test successfully and was granted a certificate dated 6-12-1974. The concerned workman possesses all the requisite qualifications for being posted in the job of Cap Lamp Incharge. His claim should have been considered long ago but he has been kept as daily rated workman in Cat. V which is inconsistent with the nature of job performed by him. When no settlement was arrived at between the concerned workman and the management, the union, namely, Janta Mazdoor Sangh raised an industrial dispute on behalf of the concerned workman before the ALC(C) Dhanbad. On failure of the conciliation proceeding, the Govt. of India referred the dispute for adjudication by this Tribunal. The action of the management of BCCL in not promoting/regularising the concerned workman as a Cap Lamp Incharge is arbitrary, improper and an instance of unfair labour practice. The denial of promotion to the concerned workman and thrusting his juniors on him is clearly a calculated and malafide action of the management. It is prayed that the concerned workman be regularised/promoted to the post of Cap Lamp Incharge, with retrospective effect from 1-5-73 and he should be paid difference of wages.

The case of the management is that the concerned workman is a Cap Lamp Fitter and not a Cap Lamp Incharge. There is already a Cap Lamp Incharge and Assistant Cap Lamp Incharge in Akashkinari Colliery and there is no vacant post of Cap Lamp Incharge or Asstt. Cap Lamp Incharge. As such there is no question of promotion of the concerned workman to the post of Asstt. Cap Lamp Incharge or Cap Lamp Incharge. The post of Cap Lamp Room Incharge, Asstt. Cap Lamp Room Incharge and Lamp Issue clerks are in clerical posts placed in clerical Grade-I, II and III respectively. The promotions are effected from the clerical Grade-III to Grade-II and from clerical Grade-II to Clerical Grade-I. The promotion is decided according to the suitability in the job, and

most meritorious of them are selected. The seniority is also taken into consideration but the same is not the guiding factor in considering the promotion. The concerned workman was a Cap Lamp Fitter and his channel of promotion was from one lower category to higher category amongst the Fitter. The Fitters cannot claim for promotion to the post of clerical cadre. Promotion is management's function and a workman cannot claim for promotion as a matter of right. No workman junior to the concerned workman was promoted as Cap Lamp Incharge or Asstt. Cap Lamp Incharge out of the Cap Lamp Fitters and Mazdoors. The management has the policy of regularisation and promotion. In suitable cases promotions are effected by way of regularisation as well as by way of promotion. The concerned workman was appointed on 16-8-71 and was Cap Lamp Fitter in Cat. IV and was promoted to Cat. V in 1981. Shri R. P. Viswakarma qualified as a competent person to be engaged in the Cap Lamp room from 1970, Shri Jogendra Prasad Singh qualified as a competent person to work in Cap Lamp Room from January, 1974 and Md. Basir and the concerned workman qualified as a competent person to be engaged in Cap Lamp Room from December, 1974. Shri R. P. Viswakarma and Jogendra Prasad Singh are senior to Md. Basir and the concerned workman as they had obtained the certificate of competency to be engaged in the Cap Lamp Room and they were more competent than the concerned workman and Md. Basir and as such they were promoted to the post of Cap Lamp Incharge or Asstt. Cap Lamp Incharge. Md. Basir who was working as a Cap Lamp Changer was transferred to Dharma band colliery in 1977 where he was promoted as an Asstt. Cap Lamp Incharge. By mere producing a certificate of competency to be engaged in the Cap Lamp Room does not entitle a workman to be promoted as an Asstt. Cap Lamp Incharge or Cap Lamp Incharge. The promotion depends on the availability of the post and suitability of the candidate. On the above facts it is submitted on behalf of the management that the concerned workman cannot be promoted as Asstt. Cap Lamp Room Incharge or Cap Lamp Room Incharge.

The points for consideration are whether the management have promoted persons junior to the concerned workman as Asstt. Cap Lamp Room Incharge or Cap Lamp Room Incharge and whether the concerned workman is entitled to be promoted as Asstt. Cap Lamp Room Incharge.

The management examined two witnesses and the union examined three witnesses in support of their respective cases. The documents produced on behalf of the management have been marked Ext. M-1 to M-5 and the documents produced on behalf of the workmen have been marked Exts. W-1 to W-32.

During the hearing of the case it has been conceded that Shri R. P. Vishwakarma and Shri Jogendra Pd. Singh are senior to the concerned workman as they have been promoted as Cap Lamp Room Incharge and Asstt. Cap Lamp Room Incharge respectively since before the concerned workman obtained the certificate of competency to be engaged as Cap Lamp Room Incharge. The only dispute, therefore, now is whether Md. Basir was junior to the concerned workman as he is admittedly promoted as

Asstt. Cap Lamp Room Incharge on 12-12-79 whereas the concerned workman has not as yet been promoted either as Asstt. Cap Lamp Room Incharge or Cap Lamp Room Incharge. MW-1 is Shri R. P. Viswakarma who has stated that he obtained the certificate of competency for working in Cap Lamp Room in 1970. He has stated that formerly he was working as Chajuman and also as Cap Lamp Room Incharge under the private management and when Akhaskinari colliery was taken over he was employed as an Asstt. Cap Lamp Incharge and in 1970 he became Cap Lamp room Incharge on the basis of an Award passed by the Central Government Industrial Tribunal in Reference case. He has further stated that Shri Jogendra Pd. Singh obtained the certificate of competency in January, 1974 and started working under him as his Asstt. and during his leave or sick Jogendra Pd. Singh used to be the incharge of Cap Lamp room in place of MW-1. He has further stated that Shri Jogendra Pd. Singh was regularised as Asstt. Cap Lamp Incharge after he (MW1) was regularised as Cap Lamp Room Incharge in 1976. He has further stated that the concerned workman and Md. Basir had obtained the competency certificate of Cap Lamp Room Incharge in December, 1974 and prior to the obtaining of the certificate both of them were working as Fitters and they continued as Fitter even after obtaining the competency certificate. According to him only one Cap Lamp Room Incharge is sufficient in Akashkinari Colliery. He has stated that Md. Basir was transferred from Dharmaband Colliery to Akashkinari colliery as Asstt. Cap Lamp Room Incharge and thereafter both Shri Jogendra Pd. Singh and Md. Basir were working as Asstt. Cap Lamp Room Incharge under him. He has stated that only one Asstt. Cap Lamp Room Incharge is sufficient to assist him. It will also appear from his evidence that there were two cap lamp rooms in Akashkinari colliery out of which R. P. Viswakarma was incharge of both the Cap Lamp rooms and at that time Shri Jogendra Pd. Singh used to be in one of the Cap Lamp rooms and he himself was in the other Cap Lamp room. Subsequently those two cap lamp rooms were amalgamated to one and MW-1 was the Cap Lamp Room Incharge and Shri Jogendra Pd. Singh was the Assistant Cap Lamp Room Incharge. WW-3 is the concerned workman Shri B. N. Lala. He has himself stated that Shri R. P. Viswakarma was the Cap Lamp Room Incharge of other Cap Lamp room and that he himself was incharge of, Cap Lamp room of Akashkinari colliery. He has stated that in November, 1976 the said cap lamp rooms were amalgamated in one cap lamp room in Akashkinari colliery and after the amalgamation Shri R. P. Vishwakarma was made the Cap Lamp Room Incharge and the concerned workman was asked to work as Cap Lamp Room Fitter. He has stated that occasionally he had worked as Cap Lamp room Incharge in absence of Shri R. P. Viswakarma. At page-2 of his deposition WW-3 has stated that Shri R. P. Vishwakarma has been senior to him since the time of the erstwhile management. Thus the controversy regarding Shri Vishwakarma vanishes from the evidence of the concerned workman himself. The concerned workman however insisted in his evidence that Shri Jogendra Pd. Singh and Md. Basir are junior to him in service. He has stated that Shri

Jogendra Prasad Singh was appointed in 1972 as Cap Lamp Fitter and Md. Basir was appointed as a Cap Lamp Mazdoor in 1972. He has stated that Shri Jogendra Prasad Singh was promoted as a Cap Lamp Room Incharge on 13-12-82 and Md. Basir was promoted as Cap Lamp Room Incharge on 12-12-79. There appears to be some inaccuracy in the statement of WW-3. Actually Shri Jogendra Pd. Singh was first promoted as Asstt. Cap Lamp Room Incharge in 1974 and was regularised in 1976 and thereafter he was promoted as Cap Lamp Room Incharge on 13-12-82. Md. Basir has not as yet been promoted as Cap Lamp Room Incharge. He was only promoted as Asstt. Cap Lamp Room Incharge on 12-12-79. In cross-examination he has further stated that Md. Basir passed the examination of Cap Lamp Room Incharge along with him. He has stated that although Md. Basir had been transferred to Dharmaband colliery he was again transferred to Akashkinari colliery where he was promoted as Asstt. Cap Lamp Room Incharge in 1979. At page 4 of his deposition he has stated that after the amalgamation of the five collieries into one after the take over BCCCL maintained the designation of the workmen which they were having at the time of erstwhile management. He has stated that his designation during the erstwhile management was of Cap Lamp Fitter and accordingly the BCCCL designated him as Cap Lamp Fitter. However, he has insisted in his evidence that he was working as a Cap Lamp Room Incharge. WW-2 has stated that Shri Jogendra Pd. Singh became Cap Lamp Room Incharge after the amalgamation of two cap lamp rooms and was acting as Asstt. Cap Lamp Room Incharge after obtaining the certificate of competency. He has further stated that the concerned workman was Cap Lamp Room Incharge from 1973 to 1976. WW-1 has stated that the concerned workman continued as Cap Lamp Room Incharge in Akashkinari colliery till 1976 and thereafter the concerned workman occasionally worked as Cap Lamp Room Incharge. He has stated that in 1976 the two cap lamp rooms of Akashkinari colliery were amalgamated into one Cap Lamp Room and then Shri Rajendra Pd. Viswakarma became the Incharge of the Cap Lamp Room and Shri Jogendra Pd. Singh was given the charge of Cap Lamp Room in 1974. He has further clarified that when the two Cap Lamp rooms were amalgamated into one Shri Jogendra Pd. Singh became the Asstt. Cap Lamp Room Incharge. In cross-examination he has stated that a certificate of competency is required to become a Cap Lamp Room Incharge or Asstt. Cap Lamp Room Incharge. Shri Jogendra Pd. Singh obtained the certificate of competency in 1974. It is clear therefore that Shri Jogendra Pd. Singh became Asstt. Cap Lamp Room Incharge after he obtained the certificate of competency. WW-3 himself was unable to say if Shri Jogendra Pd. Singh had obtained the certificate of competency in January, 1974. Shri Rajendra Pd. Viswakarma—MW-1 has stated that Shri Jogendra Pd. Singh had obtained the certificate of competency in January, 1974 and was working as an Asstt. Cap Lamp Room Incharge after he obtained the certificate of competency. Ext. W-33 and W-34 are the certificates dated 22-5-74 and 6-12-74 respectively which shows that the concerned workman obtained the certificate of Lamp Cabin Fitter and Lamp Cabin Incharge certificate by De-

cember, 1974. Thus it will appear that the concerned workman had obtained the certificate of competency to be employed as Cap Lamp Incharge after Jogendra Pd. Singh obtained those certificates of competency. It will also appear from the evidence discussed above that Shri Jogendra Pd. Singh had already been appointed as Asstt. Cap Lamp Room Incharge prior to the obtaining of the certificate of competency by the concerned workman and Md. Basir. As Shri Jogendra Pd. Singh had obtained the certificate of competency in January, 1974 and he was promoted as Asstt. Cap Lamp Room Incharge since before the obtaining of the certificate of competency by the concerned workman and Md. Basir, it is apparent that Shri Jogendra Pd. Singh was senior to the concerned workman and Md. Basir and the concerned workman cannot claim himself to be senior to Shri Jogendra Pd. Singh.

It has now to be considered whether Md. Basir was junior to the concerned workman. According to the concerned workman Md. Basir was a Cat. I mazdoor appointed in 1972 who was subsequently promoted as Asstt. Cap Lamp Incharge. There is no specific denial on behalf of the management that Md. Basir was appointed prior to 1972 or that he was not appointed as a Cat. I Mazdoor. The case of the workmen is that concerned workman was working from 16-7-70 as Cap Lamp Fitter but according to the management the concerned workman was working since 16-8-71. In Ext. W-28 the concerned workman himself has stated that he has been working in Akashkinari colliery as Cap Lamp Fitter since 16-8-71. Thus it appears that the management's case that the concerned workman was appointed in Akashkinari colliery since 16-8-71 is correct. From the above it will appear that the concerned workman was working as a Cap Lamp Fitter since atleast 16-8-71, but Md. Basir was appointed in 1972 as Cat. I Mazdoor.

The concerned workman has filed Ex. W-27 which is a certificate issued to the concerned workman by the Manager to show that he had worked as a Cap Lamp Incharge at the time of take over of the non-coking coal mines at North Akashkinari colliery and that the concerned workman continued to work in the said capacity from May, 1973 to August 1974. It will appear from Ext. W-23 that the concerned workman was transferred to New Dharmaband colliery as Cap Lamp Issue Clerk since 16-7-77. At that time he had applied to the General Manager, Area No. III that as there is no Cap Lamp Incharge in New Dharmaband colliery and he being the Senior most he may be allowed to work as Cap Lamp Room Incharge. In Ext. W-29 the concerned workman had stated that he had worked as Cap Lamp Incharge since 1973 to April, 1974 and this statement is supported by the certificate Ext. W-27 already referred to above. In Ext. W-29 dated 2-8-77 the concerned workman had made a grievance that although he was a Cap Lamp Fitter in Akashkinari colliery he was transferred to Dharmaband Colliery from 16-7-77 as Clerk. In Ext. W-31 dated 20-7-83 the concerned workman has stated that he has been working as a Cap Lamp Fitter in Akashkinari colliery for a period of 10 years and that he has passed the course of Cap Lamp Incharge in 1974 but he has not been made a

Cap Lamp room Incharge. He has further stated that he had performed the job of Cap Lamp Room Incharge at Akashkinari colliery in 1973-74 and that the junior co-worker has been given chance as Cap Lamp Incharge. Ext. W-35 dated 16-1-73 is a certificate from the Manager of North Akashkinari colliery showing that the concerned workman had worked in the colliery as a Cap Lamp Room Incharge from 16-7-70 and that he was still continuing. Exts. W-1 to Ext. W-17 relate to the allotment of Sunday duties from the period from 6-1-73 to 9-6-74. Ext. W-26 is also regarding the allotment of Sunday work dated 30-11-75. All these exhibits bear the signature of the concerned workman and he has described himself as Cap Lamp Incharge. All these exhibits are signed by the Manager. Ext. W-18 to W-21 are weekly reports covering the period between 3-12-73 to 6-1-74 all signed by the concerned workman as Cap Lamp Incharge and it also bears the signature of the competent person and the manager. It will appear from the evidence of WW-3 as stated by him that the job of Cap Lamp Room Incharge is to maintain the Cap Lamps to prepare records as to how many Cap Lamps are in order, requisition the materials for the Cap Lamps, distribute work in the Cap Lamp room for Sunday work and to give weekly report regarding position of the Cap Lamps. Thus the above exhibits were submitted by the concerned workman to show that he was working as a Cap Lamp Room Incharge for the period stated in it. Ext. W-22 dated 6-2-73, Ext. W-23 dated 7-2-73, Ext. W-24 dated 24-1-74, Ext. W-25 dated 4-1-74 are requisition for the Cap Lamp room of Akashkinari colliery. All these requisitions are signed by the concerned workman as Cap Lamp Incharge and also signed by the Manager. It appears that the requisition of articles were received on the basis of the requisition papers. It is clear therefore that the concerned workman had worked temporarily as Cap Lamp Room Incharge in Akashkinari colliery and the said fact is supported by the exhibits discussed above along with the certificates granted by the colliery Manager. These exhibits only show that the concerned workman had temporarily worked as Cap Lamp Incharge and that he did not continue after 1976. Thus the concerned workman was not regularly working as a Cap Lamp Room Incharge and he had ceased to work as such from 1976. Therefore there is no question of regularisation of the concerned workman as Cap Lamp Room Incharge as he had already ceased as Cap Lamp Room Incharge since 1976.

The discussion in the above paragraph will show that the concerned workman had in the past worked temporarily as a Cap Lamp Room Incharge although, probably, he had not acquired certificate to be incharge of Cap Lamp room. However, the fact remains that the concerned workman had worked as a Cap Lamp Room Incharge for sometime.

There is absolutely no evidence to show that Md. Basir was senior to the concerned workman. It will appear from the evidence discussed above that the concerned workman was appointed in 1972 as Cat. I

Mazdoor and that he was promoted as Asstt. Cap Lamp Room Incharge on 12-12-79. It will also appear that the concerned workman had worked temporarily as a Cap Lamp Room Incharge and he was working as a Cap Lamp Fitter since the time of his appointment in 1971. Thus the concerned workman was working in a higher category since the time of his appointment in comparison to Md. Basir who was appointed as a Cat. I Mazdoor on later date. The management has stated in para-4 of its rejoinder to the W.S. of the workmen that Md. Basir was a Cap Lamp charger and he was transferred to Dharmaband colliery in 1977 where he was promoted as a Cap Lamp Fitter. It will thus appear that Md. Basir was a Cap Lamp charger at the time when he was promoted as an Asstt. Cap Lamp Room Incharge. MW-1 has stated that the concerned workman and Md. Basir were working as Fitter before obtaining the competency certificate. Admittedly the competency certificate was obtained by both of them in December, 1974 and according to MW-1 Md. Basir and the concerned workmen were working as a Fitter prior to obtaining the competency certificate. This evidence of MW-1 is falsified by the facts stated in para-4 of the rejoinder of the employer which shows that Md. Basir was a Cap Lamp charger. A cap lamp charger is a time rated Cat. III job and is a job of Mistry. An Asstt. Cap Lamp Room Incharge is Grade-II and Lamp Room Incharge is Grade-I of clerical cadre. A cap lamp Fitter is admittedly in Cat. IV junior skill job which was a higher category than that of Md. Basir. It is clear therefore that the concerned workman was in a higher category-IV whereas Md. Basir was in time rated Cat. III at the time when Md. Basir was promoted as a Cap Lamp Room Incharge. From the discussions made above it will appear that the concerned workman being in a higher category than Md. Basir was senior to Md. Basir and the promotion of Md. Basir by-passing over the claim of the concerned workman appears to be discriminatory.

The management has taken a plea in para-4 of their W.S. that the post of Lamp Room Incharge, Asstt. Cap Lamp Room Incharge are clerical post and the promotions are effected from Clerical Grade-III to Clerical Grade-II and from Clerical Grade-II to Clerical Grade-I. It is further stated that the concerned workman was a Cap Lamp Fitter and his channel of promotion was from one lower category to the higher category amongst the Fitter and they cannot claim for promotion to the post of clerical Cadre. The plea taken by the management has not sound footing. It will appear that Md. Basir was Cap Lamp charger at the time when he was promoted as an Asstt. Cap Lamp Room Incharge and he also did not belong to the clerical cadre but he was promoted as Asstt. Cap Lamp Room Incharge. Even the evidence of M.W. 1 R. P. Vishwakarma Shows that he was promoted from Cat. I to Grade II. On the contrary it will appear from Ext. W-28 and W-29 that the concerned workman was transferred from Akashkinari Colliery to New Dharmaband colliery as Cap Lamp Issue Clerk on 16th July, 1977. A Cap Lamp Issue Clerk is in Clerical Grade-III. The concerned workman therefore could easily be promoted as an Asstt. Cap Lamp Room Incharge in Clerical Grade-II which is in the channel of promotion of clerical cadre. On this point also it appears that the

management was discriminating in promoting Md. Basir as an Asstt. Cap Lamp Room Incharge whereas the concerned workman who was in the clerical cadre was not promoted to the next higher clerical grade-II, which is the grade of Asstt. Cap Lamp Room Incharge.

Admittedly there is only one Cap Lamp Room in Akashkinari colliery. Shri R. P. Viswakarma is admittedly the cap lamp room incharge of the said Cap Lamp room. MW-1 has stated that there is requirement of only one Asstt. Cap Lamp Room Incharge in his cap lamp room. But from his very evidence it will appear that the management was having two asstt. Cap Lamp room incharge in Akashkinari colliery, namely, Shri Jogendra Prasad Singh and Md. Basir. It will thus appear that the management's stand that there is a scope of only one Asstt. Cap Lamp Room Incharge is not correct. It will further appear that Shri Jogendra Prasad Singh has now been promoted as Cap Lamp Room Incharge and has now been transferred and as such there could be no difficulty in placing the concerned workman as Asstt. Cap Lamp Room Incharge in Akashkinari colliery under Shri Rajendra Prasad Viswakarma.

It has been admitted by the concerned workman that Shri Rajendra Prasad Viswakarma is senior to him and admittedly Shri Viswakarma is the Cap Lamp Incharge of Akashkinari colliery. I have already held above that Shri Jogendra Prasad Singh is also senior to the concerned workman and he has also now been promoted as Cap Lamp Room Incharge in 1981. There is no assertion made on behalf of the concerned workman that there is a vacant post of Cap Lamp Room Incharge and as such it is not possible to place the concerned workman as a Cap Lamp Room Incharge. Moreover the promotion in the clerical grade has to be made in steps i.e. to say a person in clerical Grade-III has to be promoted in Clerical Grade-II and Clerical Grade-II is therefore to be promoted to Clerical Grade-I. The concerned workman was in Clerical Grade-III and as such he cannot get a jump in his promotion to the post of Cap Lamp Room Incharge in Clerical Grade-I.

There is no assertion on behalf of the management that any D.P.C. was held for the promotion of Md. Basir to the post of Asstt. Cap Lamp Room Incharge. The union had asked for some papers from the management but the management did not file those papers. MW-2 has been examined to show that the papers were missing. From the trend of the evidence it appears that the management has not taken proper care to produce the necessary papers which would have made the position all the more clear. The management therefore cannot take advantage of suppressing their own document.

Taking the entire facts, evidence and circumstances of the case into consideration I hold that Md. Basir who was junior to the concerned workman was promoted as Asstt. Cap Lamp Room Incharge whereas the concerned workman was discriminated in not promoting him as Asstt. Cap Lamp Room Incharge although he was senior to Md. Basir in service and he was senior in post coupled with his experience and work as Asstt. Cap Lamp Room Incharge for a short period. In view of the above it appears that the claim

of the concerned workman for his promotion to the post of Asstt. Cap Lamp Room Incharge appears to be quite justified.

In the result, I hold that the action of the management of Akashkinari colliery of M/s. B. C. C. Ltd. in not promoting the concerned workman Shri B. N. Lalla as Asstt. Cap Lamp Room Incharge specially when his junior Md. Basir has been promoted is not justified. The concerned workman therefore is entitled to the post of Asstt. Cap Lamp Room Incharge with effect from 12th December, 1979 since when his junior Md. Basir was promoted as Asstt. Cap Lamp Room Incharge. I further hold that the concerned workman will get the difference of his wages from 12th December, 1979 till he is posted as Asstt. Cap Lamp Room Incharge.

This is my Award.

I. N. SINHA, Presiding Officer
30th July, 1986. [No. L-20012/164/84-D.III(A)]

का. प्रा. 3012.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, टाटा इरन एण्ड स्टील लि. की दिगवाडीह कोलियरी के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार की 5 अगस्त 1986 को प्राप्त हुआ था।

S.O. 3012.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Digwadih Colliery of M/s. Tata Iron & Steel Company Limited and their workmen, which was received by the Central Government on the 5th August, 1986.

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 91 of 1984

PARTIES :

Employers in relation to the management of
Digwadih Colliery of M/s. Tata Iron &
Steel Co. Ltd.

AND

Their Workmen

PRESENT :

Shri I. N. Sinha, Presiding Officer.

APPEARANCES :

For the Employers.—Shri S. K. Tripathi, Personnel Officer,

For the workmen.—Shri N. K. Sahay, Secretary, Rashtriya Colliery Mazdoor Sangh, Digwadih Branch.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, dated the 18th July, 1986

AWARD

The Present reference arises out of order No. I-20012/309/84-D II(A) dated, the 22nd November, 1984 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :—

“Whether the action of the management of Digwadih Colliery of M/s. Tata Iron & Steel Co. Ltd. Post Office Jamadoba, Dist. Dhanbad, in dismissing from service their workmen, whose names are given in Annexure below, in October, 1983 was justified. If not, to what relief these workmen are entitled ?”

ANNEXURE

1. Shri Suresh Prasad, Category I Mazdoor.
2. Shri Ali Kalam, Conveyer Khalasi.
3. Shri Ramoloy, Miner,
4. Shri Upendra Singh, Miner,
5. Shri Bhola Ram, Miner,
6. Shri Rajmuni Sao, Miner,
7. Shri Ram Harijan, Miner.
8. Shri Atique Khan, Scraper Crew.
9. Shri Kanhaiya, Pipe Mazdoor.
10. Shri Mohd. Muslim, Category I Mazdoor.
11. Shri Mustakim Mia, Miner.
12. Shri Washim Ahmed, Category I Mazdoor.
13. Shri Shah Nawaj Khan, Piece rated Mazdoor.

2. There are 13 workmen involved in this case, out of which the dispute of eight workmen, namely, S/Sri Suresh Prasad, Ali Kalam, Ramley, Upendra Singh, Rajmuni Sao, Sriram Harijan, Atique Khan and Md. Muslim, have been settled out of Court and a memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find these quite fair and responsible. There is no reason why an award should not be made on the terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry of Labour as required under Section 15 of the Industrial Disputes Act, 1947.

I. N. SINHA, Presiding Officer
(No. I-20012/309/84-D II(A))
A. V. S. SARMA, Desk Officer

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL
NO. 1, DHANBAD

Reference No. 91 of 1984

Parties :

Employers in relation to the management of Digwadih Colliery of M/s. Tata Iron & Steel Co. Ltd. Post Office Jamadoba, Dist. Dhanbad.

AND

Their workmen.

The parties involved in this dispute beg to submit as under :

- (1) That the cases of the concerned 13 workmen in the present reference have been taken up by the recognised union in the establishment of the employers namely, Rashtriya Colliery Mazdoor Sangh.

A discussion between the representatives of the management and the union was held on different occasions and finally with the Director of Collieries (A) in his office on 20-6-1986.

2. That during the discussion, it was contended by the union that the 10 workmen out of 13 workmen in the reference were not directly involved in the assault and the circumstances were such which had led to such an untoward incident. The management has awarded punishment of dismissal to those who were directly involved in assault on the Agent of Digwadih Colliery on 2-9-1983 and also to those who were not directly involved in the same along with other charges.

3. That a long time has elapsed since the dismissal and considering the hardship which is not commensurate with the offence committed by these concerned workmen their cases should be reviewed. The Union further contended that the same punishment of dismissal should not have been awarded to both the categories mentioned above. They requested that the management should review the cases pertaining to the ten workmen as mentioned above.

4. That after a detailed discussion and considering the above contention of the union, the management decided to consider the cases of these 10 workmen in this reference who were not charged for assaulting Sri D. N. Abrol. Accordingly a compromise has been arrived at on the following terms and conditions :—

TERMS AND CONDITIONS

- (i) That the cases of S/Sri Kanhaiya, Ex. Pipe Mazdoor, Bhola Ram, Ex. Miner, and Mustakim, Ex. Miner the workmen in this reference will not be reviewed since they have been dismissed for assaulting Sri D. N. Abrol.
- (ii) The concerned 8 workmen namely S/Sri Suresh Prasad, Ali Kalam, Rammoly,

Upendra Singh, Rajmuni Saw, Sriram Harijan, Atique Khan, and Md. Muslim would be re-instated in service without any back wages or monetary benefits or the period of dismissal to the date of their reporting duty.

- (iii) The period from the date of their dismissal till they join their duty will be considered as if they were on leave with or without wages as the case may be.
- (iv) The intervening period will be treated as "dies-non".
- (v) The concerned workmen after re-instatement would be provided the job in any of the Collieries of Disco including West Bokaro but not in Digwadih Colliery. The management shall decide their placement in different Collieries.
- (vi) That the workmen would be taken back in employment after their compromise petition is recorded by the Honourable Tribunal.
- (vii) That the workmen have agreed that they will behave properly in future which has also been endorsed by the Union.

5. That the parties will bear their own cost.

6. That the terms of this settlement are fair and proper.

Under the above circumstances, the Parties pray that an Award be passed in terms of the above settlement and the Reference pending before the Honourable Tribunal concerning the 10 concerned workmen be treated as closed and withdrawn, and for this, the petitioners shall ever be grateful. Signed on this day of, 1986.

For Workmen : For Management :
(H. K. Sahay) (S. N. Sinha)
(Secretary) Asstt. Chief Personnel

Rashtriya Colliery Mazdoor Sangh Manager (C)
Digwadih Branch

1. (Suresh Prasad) (P. Akhanry)
dt. 8-7-86 Asstt. Chief Personnel
Manager

2. (Ali Kalam)

3. (Ramoloy)

The concerned workmen

4. (Upendra Singh)
8-7-86

5. (Rajmuni Saw)

6. (Sri Ram Harijan)

7. (Atique Khan)

8. (Md. Muslim)

9. (Washim Ahmad)

10. (Shah Nawaj Khan)

Witnesses :—

1. Shri Nand Lal Singh, President, R.C.M.S. Digwadih Branch.

2. S. K. Tripathi, Personnel Officer.

Dated 15-7-1986.

नई दिल्ली, 11 अगस्त, 1986

का.पा. 3013 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बॉम्बे इन्डियन (मर्च जोन) ग्रुप इंडिया रेडियो, नई दिल्ली के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रतिक्रिया, नई दिल्ली, के पंचाट की प्रकृति कर्तवी है, जो केन्द्रीय सरकार को 31-7-86 को प्राप्त हुआ था।

New Delhi, the 11th August, 1986

S.O. —In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief Engineer (North Zone), All India Radio, New Delhi and their workmen, which was received by the Central Government on 31-7-1986.

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I. D. No. 31/86

In the matter of dispute between :

Shri Suresh Chand, S/o Shri Trikha Ram. WZ-47/A,
Raj Nagar-IV, Palam Colony, New Delhi.

Versus

The Chief Engineer, North Zone, All India Radio,
Jamnagar House, New Delhi.

APPEARANCES :

None—for the workman.

Shri Narinder Chaudhary—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Notification No. L-42012(8)/84-D.II (B) dated 11-12-1985 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Chief Engineer (North Zone), All India Radio, New Delhi, in terminating the services of Shri Suresh Chand w.e.f. 15-6-1983, is legal and justified ? If not, to what relief he is entitled to ?"

2. The workman has not appeared despite regd. notice. It appears that he is not interested in pursuing this dispute. Hence this reference is disposed of and No dispute Award is given.

Further ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

Dated : July 22, 1986.

G. S. KALRA, Presiding Officer
[No. L-42012/8/84-D.II (B)]

नई दिल्ली, 12 अगस्त, 1986

का.पा. 3014 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, दिल्ली ग्रुप योद्धा के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रतिक्रिया, नई दिल्ली, के पंचाट को प्रकृति कर्तवी है, जो केन्द्रीय सरकार को 30 जुलाई, 1986 को प्राप्त हुआ था।

New Delhi, the 12th August, 1986

S.O. 3014.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Delhi Milk Scheme and their workmen, which was received by the Central Government on the 30th July, 1986.

BEFORE SURI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I. D. No. 177/81

In the matter of dispute between :

Shri Phool Singh S/o Shri Sukh Ram, R/o J-239,
Jahangirpuri, Delhi-110033.

Versus

The General Manager, Delhi Milk Scheme, West Patel
Nagar, New Delhi.

APPEARANCES :

Shri H. K. Pathak—for the workman.

Shri Narinder Chaudhary—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Notification No. L-42012(5)/81-D.II (B) dated 1st December, 1981 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Delhi Milk Scheme, New Delhi, in terminating the services of Shri Phool Singh, Mate, with effect from 5-10-1978 is legal and justified? If not, to what relief the workman is entitled?"

2. The workman in his statement of claim has stated that his initial appointment was w.e.f. 28-5-70 and he was appointed a regular Mate w.e.f. 12-6-73 and he had worked continuously till 11-6-73 i.e. before his appointment as regular Mate. His services were terminated w.e.f. 5-10-78. He has challenged the said order of termination as Arbitrary, illegal and unjustified on several grounds, the main among these are that the order is silent on the ground of termination; that payments due till the date of termination were neither paid nor tendered and there was violation of section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act); that persons junior to him were retained in service that there was no notice, charge-sheet or enquiry and that the order has been passed on the allegations of misconduct and misbehaviour as he was informed through Mr. Ranga. The Transport Officer that he was being punished for having insulted some employees.

3. The Management in its written statement raised the legal objections that the petition is not maintainable because no notice under section 80 CPC was served; that the petition is bad as there is no cause of action; that the petition has been moved after a great lapse of time; that the petitioner had not complied with the statutory requirements of section 33-C (2) of the Act; that the present dispute does not fall under section 33-C (2) as the workman was appointed under temporary government service and is governed by Central Civil Service (Temporary Service) Rules 1965 and this Court has no jurisdiction and only the civil court has the jurisdiction. On merit it was stated that the workman was appointed as a temporary mate w.e.f. 12-6-73 and that no reasons were required to be assigned under Rule 5(1) of the CCS (TS) Rules under which his services were terminated; that the workman was informed that he was entitled to claim a sum equivalent to the amount of pay plus allowances for the period of notice at the same rate at which he was drawing them immediately before the termination or for the period for which such notice falls short of one month; that the workman was a temporary hand and was under the ambit of the C.C.S. (TS) Rules and not under the provisions of the Industrial

Disputes Act, 1947 and hence his termination is legal and valid and the provisions of section 25-F of the Act are not attracted. In short the termination of service of the workman is sought to be justified as legal and valid.

4. The workman filed a rejoinder in which he controverted the pleadings of the Management and reiterated his claim.

5. At the outset it may be observed that there appears to be some misapprehension with the Management about the provisions of the Industrial Disputes Act. It is not disputed that the respondent Delhi Milk Scheme is an 'Industry' and that the claimant Phool Singh is a 'Workman'. Once these two terms are not disputed, the provisions of the I. D. Act came into play and have an over-riding effect over any other law including standing orders. For the purpose of clarity the provisions of section 25-J of the Act are reproduced below :—

"25-J. Effect of laws inconsistent with this Chapter.—

(1) The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in any other law (including standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946)) :

Provided that the under the provisions of any other Act or rules, orders or notifications issued thereunder or under any standing orders or under any award, contract of service or otherwise, a workman is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Act, the workman shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this Act.

(2) For the removal of doubts, it is hereby declared that nothing contained in this Chapter shall be deemed to effect the provisions of any other law for the time being in force in any State in so far as that law provides for the settlement of industrial disputes, but the rights and liabilities of employers and workmen in so far as they relate to lay-off and retrenchment shall be determined in accordance with the provisions of this Chapter."

Therefore, the provisions of the I. D. Act are applicable to the present dispute and the only those provisions of the CCS (TS) Rules would be applicable which are favourable to the workman.

6. The legal directions raised by the Management are frivolous and border on naivety. The CPC is not applicable to the Industrial Disputes Act and no notice under section 80 CPC is required to be served. The services of the workman have been terminated and he has raised an Industrial Dispute which has been duly referred to this Tribunal by the Central Government and therefore, there is a cause of action. Once the dispute is referred by the Central Government to the Tribunal for adjudication, the objection of lapse of time does not hold any water. The present case is a reference under section 10 of the Act and it is not an application under section 33-C(2) of the Act. Moreover, the statutory requirements of section 33-C(2) of the Act have not been spelled out. Hence the legal objections are without any force and are rejected.

7. It is a common ground between the parties that the services of the workman have been terminated w.e.f. 5-10-78 after the workman had put in more than one year of service. The definition of "retrenchment" as given in section 2(oo) of the Act is reproduced below :—

"Section 2(oo) "retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include—

(a) voluntary retirement of the workman ; or

(b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or

(c) termination of the service of a workman on the ground of continued ill-health ;”

8. It is not the case of the Management that the services of the workman have been terminated as a measure of punishment by way of disciplinary action. Neither the case of the workman falls under any of the exceptions to section 2(o) nor is it the case of the Management that it falls under any of the exceptions. Hence it is a clear case of retrenchment and in that event it was Mandatory for the Management to comply with the provisions of section 25-F of the I. D. Act which is also reproduced below :

“25-F. Conditions precedent to retrenchment of workmen.—No workmen employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired or the workman has been paid in lieu of such notice, wages for the period of the notice ;

(b) provided that no such notice shall be necessary if the workman has been employed under an agreement which specifies a date for the termination of service ;

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months ; and

(c) notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate Government by notification in the Official Gazette).

9. In the present case the Management just mentioned in the order of termination that the workman shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the period of notice at the same rate at which he was drawing them immediately before the termination of his services or in the case may be for the period of which such notice falls short of the month. The workman has clearly stated that the Management did not serve any notice on him. The Management has also not produced any evidence of service of any notice on the workman. Therefore, besides payment of wages for the notice period the workman was entitled to be paid retrenchment compensation equivalent to 15 days' wages per every completed year of continuous service or any part thereof in excess of six months. However, no such compensation has been either offered or paid. Hence there is a clear violation of the provisions of section 25-F of the Act and the order of termination must be held to be illegal and invalid.

10. Section 25-G of the I. D. Act reads as under :—

“25-G Procedure for retrenchment.—Where any workman in an industrial establishment, who is a citizen of India, is to be retrenched and the belongs to a particular category of workmen in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench the workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman.”

It is clear that if the Management wanted to resort to retrenchment, only junior most persons in that particular category could be terminated and in any other case reasons have to be recorded. In the present case the workman has alleged that the persons junior to him were retained in service. MW-1 Mohinder Singh, Administrative Officer who appeared on behalf of the Management has admitted that persons junior to the workman were retained in service. In that event there is clear violation of section 25-G of the Act and for this reason also the termination order is not valid.

11. Section 25-H of the Act reads as under :—

“25-H. Re-employment of retrenched workman.—Where any workmen are retrenched, and the employer proposes to take into his employ any persons, he

shall, in such manner as may be prescribed, give an opportunity (to the retrenched workmen who are citizens of India to offer themselves for re-employment, and such retrenched workmen) who offer themselves for re-employment shall have preference over other persons.”

It is clear that even a workman is retrenched and the provision of Section 25-F and 25-G have been complied with in case of any future vacancy arising the retrenched workman has to be given a chance of re-employment in preference over the others. It is not the case of the Management that the present workman was given any chance for re-employment. It is difficult to believe that since his termination on 5-10-78 there has been no further recruitment to the category of this workman and where there appears to have been violation of section 25-H also.

12. In the light of discussions made above, it is held that the action of the Management of Delhi Milk Scheme, New Delhi in terminating the services of Phool Singh Mate w.e.f. 5-10-78 is illegal and not justified, and he is entitled to reinstatement with continuity of service and full back wages. This reference is disposed of accordingly.

Further ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

Dated : July 23, 1986.

G. S. KALRA, Presiding Officer
[No. L-42012/5/81-D.II (B)]

का. श. 3015 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार, वेल्थर्न रेलवे प्रशासन, बम्बई के प्रबंधन से सम्बन्धित विवादों और उनके कार्यकारियों के बीच, प्रबंधन में विनिश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रशासन, नई दिल्ली के पक्षों को सम्बन्धित करती है, जो केन्द्रीय सरकार को 1-8-86 को प्राप्त हुआ था।

30. 3015.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway Administration, Bombay and their workmen, which was received by the Central Government on the 1st August, 1986.

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL,
NEW DELHI

I. D. No. 61183

In the matter of dispute

BETWEEN

Workmen through
General Secretary,
Railway Ticket Checking Staff
Association, Kota.

Versus

1. The General Manager,
Western Railway,
Chowchgate,
Bombay-400020.
2. The Divl. Railway Manager,
Western Railway, Kota-324002.

APPEARANCES :

Shri A. D. Grover—for the workmen.

Shri V. P. Mishra—for the Management.

AWARD

The Central Government in the Ministry of Labour vide Notification No. L-41011(28)/81-D.II(B), dated 22nd July, 1982 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the General Manager, Western Railway, Bombay in not implementing the decision contained in CM-Churchgate letter No. C-549/46 dated the 30-7-80 and allowing other divisions ticket checking staff to cross the jurisdiction of Kota Division is justified? If not, to what relief the ticket checking staff in sleeper Coaches and Upper Class of Kota Division are entitled?"

2. The case of the workmen as spelled out in the statement of claim is that the Western Railway have been divided into 8 divisions from 1956 and the cadre of staff, area, income and expenditure and functions have all been separated under the control of Divisional Railway Managers and under the overall Administrative centralised control at Bombay as Head of Zone. A new train No. 25 down and 26 up Delux was introduced and due to the shortage of ticket checking staff in Kota Division, the staff of Ratlam Division were temporarily deputed to work in the chaircar of the said train and on introduction of Paschim Express 25 down/26 up the work of II class sleeper coaches were also taken over by the Ratlam Division. The Railway Administration failed to create appropriate posts in the Kota Division and unilaterally allowed Ratlam Division to cross the jurisdiction of Kota Division. The manning of A.C. Chair Cars and Sleeper Coaches is adversely affecting the staff of Kota Division in matters of promotions because if there are less number of lower grade posts, there will be less number of posts in the higher grade. The ticket checking staff of the Kota Division made a representation that since the major portion covered by the above mentioned trains fell within the jurisdiction of Kota Dn. from Nagda to Delhi, the working of these trains should be controlled by the Kota Division. The General Manager, Churchgate, Bombay vide letter dated 12-12-61 had transferred the working of all trains 19 down/20 up alongwith posts and in the light of the policy decision of the Head Quarter Office, the working of sleeper coaches of 19 down/20 up, 25 down/26 up Delux 3 down/4 up were transferred of Kota Division and since then the T.T.Es. of Kota Division were working in these trains. In case of the Paschim Express between Ratlam and Delhi a distance of 694 kms. of Kota Division is covered and only 42 km. of Ratlam Division are there. However, the A.C. Chair Car of Delux and sleeper coaches in Paschim Express are being manned by the T.T.Es. of Ratlam Division although they are paid a lot by overtime for longer hours of duty and they are also paid higher daily allowance as they have to stay in Delhi. On protracted representations from the ticket checking staff of Kota Division decisions were taken at the highest level of Head Quarters Office, Bombay to hand over the working of all trains of Kota Division but the orders were not implemented and kept in abeyance. Thus the railway administration failed to implement their own decision and the workmen were compelled to raise an industrial dispute.

3. The Management in its written statement admitted that the Western Railway have been divided in 8 divisions but it was denied that these divisions are separate and work was as water-tight compartments. It was further stated that the divisions were created as a part of organisational set up for the smooth functioning of the Western Railway and these divisions work in co-ordination with one another. The working schedule of various staff manning the trains, including the ticket checking staff are prepared on the basis of operational feasibility and economic viability and based upon this principle, the working of the travelling ticket examiners on train 25 down/26 up was distributed between Kota and Ratlam Division irrespective of geographical limits of the division which has never been the basis of distribution of work. The representations made by the workmen had no force and were neither economically viable nor operationally feasible and hence were not accepted. It was further stated that vide order issued in July, 1980, it was proposed to allot the working of sleeper coaches and chair cars between Ratlam to New Delhi to Kota Division. However, there was no commitment to the Ticket Checking Association and the orders were withdrawn soon after in view of some other factors which came to notice subsequently and that the administration is not bound to act on the earlier decision in the face of other situation. It was further stated that the administration is to ensure a certain percentage of higher grade posts of T.T.Es. as compared to the permissible percentage of 55.5 per cent and if the posts of sleeper coach T.T.Es. are increased

it further increase higher grade posts of Kota Division and will violate Railway Board instructions.

4. The workmen submitted a rejoinder in which it was averred that the Management has given an evasive reply of operational feasibility and economic viability. It is further stated that there is no operational difficulty of working of 25 down/26 up A.C. Chair car and sleeper coaches if the Paschim Express is handed over to the Kota Division. As the working of the sleeper coaches of 25 down/26 up Delux Express is already with the Kota Division in so far as economic viability is concerned, the ticket checking staff is part of the productivity branch which earns the maximum and increase the Railway revenue. It was further pointed out that the working of 171 down/172 up super fast train was earlier with the Kota Division since its origin from Kota to Jammu Tawi and later on the working of these trains was taken away from the Kota Division and handed over to the Delhi Division of Northern Railway because of the jurisdiction point of view. Therefore, the contention of the Management that the work is not allotted in accordance with the geographical limits is not correct. It was reiterated that the policy of distribution of work division-wise had been implemented and for this reason the working of trains 19 down/20 up, 3 down/4 up and 25 down/26 up Delux Express sleeper coach was transferred to Kota Division vide order dated 12-12-61. It was further stated that if the Management was not willing to hand over the working of all the trains the T.T.Es. of Kota Division because of the geographical limits without any contravention of the policy of the Railway Board, the T.T.Es. of Kota Division may be Head Quartered at Ratlam and they should man these trains from Ratlam to New Delhi. The workmen also pointed out that no specific reasons had been given for non-implementation of the proposal made in July, 1980 for the handing over of all the trains to the staff of Kota Division.

5. At the outset it may be observed that the fact that in the letter No. C-549/46 dated 30-7-80 issued by the Chief Marketing Superintendent it was decided to transfer the work of 25 down/26 up Ratlam to New Delhi including A.C. Chair Car to the Kota Division indicates that there was some merit in the order. Further more, reasons were given for the distribution of work as under :

"The question of distribution of sleeper coach working has been under examination of this office for some time. After taking all the factors into account such as equal distribution, non-infringement of HER smooth handing over/taking over of convenient posts etc. and in general for unity of the decision taken at ADI on 6th and 7th February 1980, it has been decided to distribute the working as under" :

It is, therefore, clear that this decision was not taken on impulse and that considerable thought had been given before arriving at the decision. The fact that lot of deliberation had taken place before this decision was taken is evidenced by the letter No. ET-261/711 dated 30-9-1970 issued by the Divisional Superintendent's Office Kota to the CSE Churchgate wherein detailed reasons in support of the transfer of work relating to the AC Chair Car and Sleeper Coaches on the 25 down/26 up Delux and Paschim Express to the Kota Division were given; on the inspection note dated 27-1-70 recorded by General Manager to the following effect :

"GM's Inspection Note item 196(B) dt. 27-1-70

As the major portion of the work pertains to Kota Division the Ticket checking work may be transferred from RTM to Kota Division. This should be examined jointly by DS Kota and RTM. 196(B) Conductors for working 3/4 UP and 25/26 UP from RTM to DLI may be given to Kota Division.

Sd/- (B. M. Kaul)
G.M."

Letter No. C-459/46 dated April, 1979 issued by the Head Quarter's Office Churchgate, Bombay to the Sr. DCS of various Divisions wherein the policy for distribution of working between the divisions was set forth and in light thereof revised schedule were circulated for examination and accept-

ance; at a meeting held on 7-4-79 of DCTI-BRO, RTM, KTT and BCT Divisions it was decided that 25 down/26 up was to be worked entirely by Ratlam staff between BCT-RTM-BCT, and in lieu thereof the Ratlam Division will make over the working of 25 down/26 up to the Kota Division between Ratlam and New Delhi and Ratlam; on 6th and 7th February another high level meeting of officers was held and the working of TTEs on all the inter divisional trains in which the sleeper coaches are being worked was discussed in terms of divisional kms. per TTE. The relevant extract from the minutes of this meeting are given below :

"3. (a) After a detailed discussions, it was accepted that by all those who were present that the TTEs who are to be worked out taking into consideration all the inter-divisional trains in which the sleeper coaches are being worked by the TTEs of various BG Divisions.

(b) The Divisional Kms. was arrived at as indicated below :

Divn.	Total Kms.	No. of TTEs exists
BOT	196457	106
BRC	167598	78
RTM	92408	43
KTT	212364	83
	867827	310

Divisional Kms., will, therefore, be 637827—2154 Kms.
310

(c) No. of staff required by the Divn. as per the Divl. Kms. arrived at as above are as under :—

BCT Division	91 TTEs	(106947/2154)
BRC Division	78 TTEs	(107627/2154)
RTM Division	42 TTEs	(92408/2154)
KTT Division	90 TTEs	(212054/2154)

3. When these proposals are implemented, there will be some TTEs surplus on Bombay Division whereas on KTT Division, some more posts of TTEs will be required which will have to be balanced. On BRC and RTM Divisions, the number of posts required will remain as at present.

4. However, for the non-implementation of the decision contained in letter No. C-549/46 dated 30-7-80 the Management has put forth the the orical reasons of operational feasibility and economic viability. But it has not been explained as to how the manning of the Chair Car on 25 down/26 up Delux and the Sleeper Coaches of 25 down/26 Paschim Express by the Ratlam Ticket Checking Staff is operationally more feasible or economically more viable, as compared to the manning of the same by the ticket checking staff of the Kota Division. The figures reproduced above from the minutes of the meeting of the senior officers of 6th and 7th February, 1980 would rather negative this plea of the Management. As per the Divisional Kms. the requirement of Ratlam Division would be 42 TTEs as against the existing strength of 43 and that of the Kota Division would be 90 as against the existing strength of 83. Even the discussions between the Sr. DCS and DCSs held on 14-11-84 at Ratlam would negative this plea of the Management. The relevant extract from the summary of these discussions is reproduced below :

Sub. —Summary of the discussions with Sr. DCS/DCSs for rationalising Sleeper coach schedules in the meeting held at Ratlam on 14-11 1984

RTM/46/84

Ref.—This office letter No. C. 549/10(L) dated 9-11-84

Sl. No.	Train No.	Present arrangements	Proposed arrangement	Result	Remarks
9.	25 Dn/26 Up (Delux & Paschim Express).	Previously 5 Sleeper coaches were in one marshalling order and one sleeper coach was at the end. On our request all the 6 sleeper coaches of 25/26 up have now been put in one marshalling order. On the days when this train runs as Delux Exp., out of 6 sleeper coaches 5 are manned by 3 TTEs of KTT Divisions between TM-NDLS-RTM HQ GGC and one sleeper coach is manned by 1 TTE of RTM Division between RTM-NDLS-RTM. Similarly 5 sleeper coaches of Delux Exp. between RTM & Bombay are manned by 3 TTEs of BCT Division and 1 coach is manned by 1 TTE of RTM Division between RTC-BCT-RTM.	Since all the six sleeper coaches are marshalled together there is no need of 4th TTE of RTM Division for manning the 4th sleeper coach between RTM-NDLS RTM and in Delux Express 3 TTEs of KTT Division can man all the 5 sleeper coaches and 3 TTEs of of BCT Division can man all the 5 sleeper coaches between BCT-RTM-BCT.	This will result in saving of 4 TTEs on RTM Division.	

7. The discussion goes to show that the transfer of the sleeper coaches on 25 Down/26 Up Delux and Paschim Express to the Kota Division will result in saving of 4 TTEs on the Ratlam Division.

8. Another reasoning given by the Management against implementing the decision contained in letter No. C-549/46 dated 30-7-80 is that the work of the Divisions is not strictly according to the geographical limits. No doubt geographical limits cannot be strictly enforced and there may be necessity for some overlapping by the staff of one division over another division yet the concept of Divisionalisation itself reflects the distribution of work according to geographical boundaries. The workmen have cited examples to prove that earlier on a number of occasions the distribution of work has been occasioned by the concept of geographical boundaries. It is in implementation of this policy that the working of sleeper coaches of 19 Down/20 up, 25 down/26 up Delux and 3 down/4 up were transferred to the Kota Division. In 1961 and since then these are being manned by the TTEs of Kota Division. One typical example is the transfer of work relating to 171 down/172 up super fast to the Delhi Division of the Northern Railway. Earlier this train was manned by the Kota Division since its inception from Kota to Jammu Tawi but later on the working of this train from New Delhi to Jammu Tawi was taken away from Kota Division and handed over to the Delhi Division of the Northern Railway. Now it is not disputed that in the case of 25 down/26 up Delux and Paschim Express between Ratlam and Delhi a distance of 694 Km. of Kota Division is covered and only 42 Kms. of Ratlam Division is covered. As a very big portion of the distance of this train falls in the Kota Division and only a small portion of it fall in Ratlam Division there is a strong case for the transfer of work relating to this train to the Kota Division on the precedent of the train 171 On/172 UP.

9. There cannot be any doubt that the number of posts in the lower categories determines the posts in the higher grades and the taking away of the work relating to the A.C. Chair cars and sleeper coaches of 25 down/26 up Delux and Paschim Express adversely affects the promotional prospects of the staff of the Kota Division and the workmen have a genuine grouse against the Management for the non-implementation of the decision contained in the impugned letter dated 30-7-80.

10. In the light of discussion made above, it is held that the action of the General Manager, Western Railway, Bombay in not implementing the decision contained in General Manager, Churchgate letter No. C-549/46 dated 30-7-80 and allowing other Division's Ticket Checking Staff to cross the jurisdiction of Kota Division is not justified. It is, therefore, imperative that this decision is implemented and the work relating to the manning of AC Chair Car and sleeper coaches of 25 down/26 up Delux and Paschim Express between Kota and New Delhi is transferred to the Kota Division without further delay and if found necessary the suitable staff of the Kota Division may be Head Quartered at Ratlam for manning these trains from Ratlam to New Delhi.

The reference is disposed of accordingly.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

G.S. KALRA, Presiding Officer

JULY 24, 1986.

[No. I-41011/28/81-D II (B)]

नई दिल्ली, 14 अगस्त, 1986

का. अ. 3016—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मेस्टर्न रेलवे के पञ्चमख से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुवर्ष में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिनियम, नई दिल्ली के पञ्चाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-86 को प्राप्त हुआ था।

New Delhi, the 14th August, 1986

S.O. 3016.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government 637 GI/86—6

hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway and their workmen, which was received by the Central Government on the 8th August, 1986.

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW
DELHI

I.D. No. 74/78

In the matter of dispute between :

Mohammed Hussain through the Divisional Secretary,
Paschim Railway Karmachari Parishad, Kota.

Versus

1. The Divisional Superintendent, W. Railway, Kota.

2. The General Manager, W. Rly. Churchgate, Bombay.

APPEARANCES :

Shri A. D. Grover—for the workman.

Shri V. P. Mishra—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its notification No. I-41012(3)/77-D.II(B) dated 18th August, 1973 has referred the following Industrial Dispute to this Tribunal for adjudication :

1. Whether the action of the Division Superintendent, Western Railway, Kota in terminating the Services of Shri Mohammed Hussain, son of Shri Abdul Mahim, Box Boy under the Station Master, Kota, with effect from the 28th April, 1975 is justified? If not, to what relief is the workman entitled?

2. The workman Mohd. Hussain joined the service of the respondent as a substitute w.e.f. 21-6-60 and was absorbed in regular vacancy w.e.f. 1-10-66 and posted as Khalasi Box Boy under the Station Master, Kota. It is alleged by the Management that the workman absented himself unauthorisedly w.e.f. 28-2-72. He was issued a charge sheet by the Assistant Operating Superintendent, Kota vide No. ET/308/9/1796 dated 10-10-72 about his unauthorised absence. The notice sent to the workman at the address given by him had been returned and the last notice sent having been received with the endorsement of refusal by the postal authority, an exparte enquiry was held against the workman and he was found guilty and his services were terminated w.e.f. 28-4-73. The workman's case is that he did not receive the charge-sheet because it was wrongly addressed to the railway quarter No. 1079 Railway Colony, Kota whereas he lived in railway quarter No. 107 G. Railway Colony, Kota. There was no proper service effected on him and he was not given an opportunity to defend himself and the enquiry proceedings held against him were null and void. Therefore, he sought his reinstatement with continuity of service and full back-wages.

3. The Management asserted that the workman had intentionally not attended the enquiry and that the enquiry proceedings are legal and valid and the termination of services of the workman was fully justified.

4. The following issues were settled :

1. Whether the enquiry is vitiated?

2. As in the order of reference.

5. On 19-10-81 exparte proceedings were ordered against the Management by Predecessor Shri Mahesh Chandra passed an exparte award against the Management on 2-11-81 whereby he ordered the reinstatement of the workman with full back-wages. The exparte Award was set aside by my Predecessor Shri O. P. Sinela on 27-4-83. Shri O. P. Sinela vide order dated 19-4-84 decided issue No. 1 in favour of the workman and against the Management and held that the enquiry held against the workman was vitiated. However, Management's request made on 24-5-83 was accepted and the Management was alleged to adduce the evidence before this Tribunal to prove the charges against the workman.

6. Thereafter both the parties produced their evidence. I have perused the evidence brought on record and have heard the arguments of Ld. representatives of both the parties and my findings are given below :

7. Shri A. D. Grover appearing on behalf of the workman stated that the award earlier made by Shri Mahesh Chandra on 2-11-81 had been published in the Government of India Gazette in March, 1982 and became enforceable one month thereafter and was actually implemented by the Management and it could not have been set aside by this Tribunal and all subsequent proceedings are non-est. Whatever be the merit in the argument of Ld. representative of the workman, it remains a fact that the ex parte Award passed by Shri Mahesh Chandra on 2-11-81 was set aside by my predecessor Shri O. P. Singla vide order dated 27-4-83. The said order passed by Shri O. P. Singla has not been challenged and it stands and, therefore, there is no legal obstacle in proceeding with the reference and deciding the issue No. 2 on merits.

8. The case of the Management is that the workman absconded from duty w.e.f. 28-2-72 and remained absent unauthorisedly till 27-4-73 when his services were terminated. The workman has not denied that he remained absent from duty during this period but his case is that he had fallen sick.

9. The Management has examined three witness in support of its case. MW1 Hargun Kumar, Senior Clerk worked in the office of the Station Master Kota during the years 1962 to 1981. He has stated that the workman was irregular in attendance and he was absent without information from duty from 28-2-72 till 27-4-73. In support of the evidence he brought with him the relevant attendance rolls. Similarly MW3 Shri B. C. Verma was the Station Master at Kota during the relevant period and he stated that he reported the absence of the workman from 28-2-72 to the Divisional Office upon which a departmental enquiry was ordered. MW-4 Mangat Ram was working as a clerk in the offices of the Station Superintendent Kota at the relevant time and he recorded the attendance of the Class IV staff. He also stated that the workman was unauthorisedly absent from duty from 28-2-72 on wards and his name was struck off on 27-4-73 and the workman did not come on duty till then. He brought with him the Muster Roll which was maintained by Hargun Kumar MW2. There is apparently no reason to disbelieve the statements of the witnesses because they are supported by the record of the office of the Station Master Kota. In fact the workman also does not dispute that he remained absent during this period. The workman has placed reliance on a photostat copy WX-1 of a letter purported to have been issued by the Divisional Medical Officer, Kota to the Assistant Operating Superintendent (K) Kota intimating that the workman had informed the hospital on 28-2-72 about his sickness, for which he was having a certificate of posting and enquiring as to whether the workman continued to be on the muster roll. No reliance can be placed on this document because no attempt has been made to prove that it had actually been issued by the Divisional Medical Officer, Kota. The workman could have easily summoned the original from the Office of the D.M.O. Kota. The document was genuine. Moreover, this letter was issued only on 8-1-74 i.e. long after the services of the workman had been terminated and appears to have been obtained to create evidence. Again it has been mentioned in this letter that the workman had certificate of posting of his intimation but the said certificate of posting has not been produced. Hence no reliance is placed on this document. Even if it is assumed that this letter had been issued by D.M.O. it was addressed to the Assistant Operating Superintendent Kota. MW4 Mangat Ram has stated in his cross-examination that the Station Superintendent's Office has got no concern with the Assistant Operating Superintendent Kota. It may also be asked as or why an intimation was sent to the Assistant Operating Superintendent when the workman was actually working in the office of the Station Master, Kota. The correct officer to be informed about the alleged sickness of the workman was the Station Master Kota and not the Assistant Operating Superintendent. In any case it is absolutely clear that the workman did not inform the Station Master Kota at all about his alleged sickness. The relevant rules governing

the absence from duty on account of sickness are reproduced belows :

"S.R. 2/3-A Railway servant who is absent from duty on account of illness, should report the fact immediately, stating the cause of absence, and not later than 24 hours after his absence commenced to his immediate superior and include in this report a request for leave for a stated period. This report should be submitted even if it cannot be accompanied by a medical certificate."

S.R. 2/5—(a) "Except for the staff specified in S.R. 2/4 and in the circumstances referred to therein, a Railway servant who requests for leave on grounds of illness, should present himself before the competent Railway doctor within 24 hours of his falling ill and obtain a sick certificate in the form prescribed in Annexure I which should be forwarded immediately to the authority competent to sanction the leave either as an accompaniment to the leave application or subsequently. Leave on medical certificate will not be granted and other leave may be refused unless the procedure laid down herein is followed."

S.R. 2/7—Should a Railway servant desire to be attended by a medical attendant of his own choice, it is not incumbent on him to place himself under the treatment of Railway Doctor. It is, however, essential that if leave of absence is required on medical certificate, a request for such leave should be made to the competent authority within 48 hours of the employees falling ill, and, except in circumstances referred to in G.R. 3, it should subsequently be supported by a sick certificate from the competent railway doctor.

S.R. 2/8—"If a Railway servant who is under treatment of a non-Railway medical attendant fails to appear before the competent Railway doctor within 48 hours of his falling ill, or, if bed-ridden, fails to send an intimation supported by a certificate from the non-railway medical attendant within 48 hours of his falling ill to the competent Railway doctor, he renders himself liable to be treated as absent without authority and to be dealt with under the Discipline and Appeal Rules, in addition to losing his pay for the period of absence."

S.R. 2/11—A Railway servant who is under the treatment of a Railway doctor and is likely to remain absent from duty on account of sickness beyond the period covered by the initial sick certificate must obtain from the authorised Railway medical attendant a continuation sick certificate in the form prescribed in Annexure 6 and submit the same to the competent authority. Failure to do so renders the Railway servant liable to be treated as on unauthorised absence to be dealt with under the Discipline and Appeal Rules.

S.R. 2/12—A Railway servant who is under the treatment of a non-railway Medical attendant and is residing within the jurisdiction of the authorised Railway medical attendant must submit a fortnightly continuation progress certificate to the authorised Railway Medical attendant who will then arrange to issue the necessary Continuation Sick Certificate in the form proscribed in Annexure 6, for submission to the competent authority. Failure to do so renders

the Railway servant liable to be treated as on authorised absence and to be dealt with under the Discipline and Appeal rules."

From the above rules which have the statutory force, it is evident that the workman had neither submitted any information regarding sickness nor any continuation certificate, which he was supposed to submit regularly in each fortnight in the manner brought out hereinabove in rules quoted.

Since the alleged sickness exceeded more than 12 months, he ought to have submitted at least 24 continuation certificates but as is evident from the oral evidence led by the witnesses of the Management, however, the workman had not submitted any information whatsoever, and thereby he committed a grave misconduct, for which punishment of removal from service appears to be quite in order.

10. Hence it is held that the action of the Divisional Superintendent Western Railway in terminating the services of Mohammad Hussain s/o Shri Abdul Rahim, Box Boy under the Station Master, Kota w.e.f. 28-4-73 is justified.

11. However, there is a peculiar twist to this case which requires consideration. After the exparte award dated 2-11-81 given by Shri Mahesh Chandra, the same was published in the official gazette and the workman was reinstated in service without payment of back-wages and the workman actually continues to be in service at present. It will mean great hardship to the workman if he is removed from service on the basis of the present Award which has gone against him. It is, therefore, directed that the workman be allowed to continue in service and he may be treated as having been reinstated on fresh appointment without continuity of service and without any back-wages. This reference is disposed of accordingly.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

July 30, 1986.

G. S. KALRA, Presiding Officer.

[No. L-41012/3/77-P.M(B)]

HARI SINGH, Desk Officer.

नई दिल्ली, 13 अगस्त, 1986

का. नं. 3017—कर्मियों सरकार की यह प्रतीति होगी कि निम्नलिखित स्थापना में सम्बद्ध नियोजित और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी श्रमिक निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध सम्बन्धित स्थापना को लागू किये जाने चाहिए—

1. मैसर्स सुनसैन इन्वैस्ट (प्राइवेट) लिमिटेड, पैक पारा रोड, नरेंद्रपुर (राजपुर) 24 प्रगना और 5-ए, रोबिन्सन स्ट्रीट कलकत्ता स्थित प्रधान कार्यालय ।
2. मैसर्स अम्बिका आयरन एण्ड स्टील वर्क्स, 14/2 एल रोड, नेताजी गढ़, हावड़ा-8 ।
3. मैसर्स लार्सेन सर्विस लिमिटेड, 1-बी जीरन्जी रोड, कलकत्ता-1 ।
4. मैसर्स गेण्डल प्रिन्टर्स कम्पनी, 43 एम, आन्डाडींग रोड, कलकत्ता-1 ।
5. मैसर्स यूनाइटेड इलेक्ट्रिकल एण्ड इंजीनियरिंग कम्पनी, 19 ए, टाऊन सेंड रोड, कलकत्ता-26 और इसका 14/1 टाऊन सेंड रोड, कलकत्ता 26 स्थित वर्कस का गोडाउन ।

6. मैसर्स ए एन सांक्रिटिंग (प्राइवेट) लिमिटेड, 5/1, आचार्य जगदीश चन्द्र बोस रोड कलकत्ता-20 और इसका एन, स्टैण्ड रोड, कलकत्ता-1 स्थित दोनर हाउस ।

7. मैसर्स पैरा कौमिकल इन्स्टीट्यूट प्राइवेट लिमिटेड 41 स्ट्रीट रोड, कलकत्ता-7 और टी एन मुहूर्ती रोड रघुनाथपुर, भाखड़ा, हुगली जिला ।

8. मैसर्स निम्न एण्ड कम्पनी, 225 सी, आचार्य जगदीश बोस रोड, कलकत्ता-20 ।

9. मैसर्स बी. जी. इन्स्टीट्यूट कारपोरेशन, 12 पार्क टेरस, मन्तापपुर, राय पहाड़ा ।

10. मैसर्स एम पी पैरर पैकिंग (प्राइवेट) लिमिटेड, 3 कैमल, ईस्ट कलकत्ता-67 ।

11. मैसर्स श्री भूमि एडवोकेट कम्पनी, 79 महात्मा गांधी रोड, कलकत्ता-9 ।

12. मैसर्स एन्डोर्स रिमर्स फाम विनेज एण्ड पोस्ट आफिस आर्गैरिया पी. एन. एलवेरिया, जिना हावड़ा ।

13. मैसर्स मांस प्रा. लिमिटेड, 19, बुड स्ट्रीट, कलकत्ता-16 और इसकी बम्बई, नई दिल्ली, बंगलौर स्थित शाखाएं तथा कलकत्ता-19, स्थित रजिस्टर्ड कार्यालय ।

14. मैसर्स कलकत्ता आइसेन्ड मशींस कॉन्स्ट्रिक्ट सोसाइटी लिमिटेड पार-78 हाईड रोड किरार पुर कलकत्ता-43 और इसका 3 सत्या प्रबन्ध रोड, बालीपुर, कलकत्ता स्थित पंजीकृत कार्यालय ।

15. मैसर्स सती, 32 ए. टी. मुहूर्ती रोड, कलकत्ता-20 तथा कलकत्ता-1 और कलकत्ता-26 स्थित शाखाएं ।

16. मैसर्स बायटो आर्टो इलेक्ट्रिकल पॉइन्टिंग प्राइवेट लिमिटेड, 1/1, नोबल राय रोड, कलकत्ता-34 ।

17. मैसर्स जी. एम. पी. कम्पोज, 12/1, ब्राइट स्ट्रीट, कलकत्ता-19 और इनका 7 हाइट स्ट्रीट कलकत्ता-19 स्थित शाखा ।

18. मैसर्स एसई एण्ड सन, 9 इजरा स्ट्रीट, कलकत्ता-1 और इसकी शाखा नूर मोस एलाज और सी. दत्त रोड, अस्कापुरी बड़ोदा-5 स्थित शाखा ।

19. मैसर्स और इकोनो, 16 मैसरोय नेन कलकत्ता-1 और इसका पार-125, पदम मोहोर तथा स्ट्रीट कलकत्ता-5 स्थित वर्कस ।

जब केन्द्रिय सरकार उक्त धारा नियम की धारा 1, की उप धारा 4 द्वारा प्रदत्त परिभाषा को प्रयोग करने हुए उक्त अधिनियम के उपबन्ध उक्त स्थापना को लागू करती है ।

[एम-35017(9)/86-एस एस-2]

ए. के. अट्टारगई, अधीक्षक

New Delhi, the 13th August, 1986

10. 3017.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the respective establishments, namely,—

1. M/s. Tulsyan Impex (P) Ltd., Paik Para Road, Narendrapur (Rajpur) 24, Parganas, including its Head Office at 5-A, Robinson Street, Calcutta-17.
2. M/s. Ambica Iron and Steel Works, 12, X, Road, Netajigarh, Howrah-8.
3. M/s. Linders Service Private Limited 4-B, Chowringhee Place, Calcutta-13.
4. M/s. Mondal Biscuit Company, 43-F, Ultadanga Road, Calcutta-4.
5. M/s. United Electrical and Engineering Company, 69-A Town Shend Road, Calcutta-26, including its

Works-cum-Godown at 14/1, Townshend Road, Calcutta-26.

6. M/s. A. M. Marketing (P) Ltd., 5/1, Acharya Jagdish Chandra Bose Road, Calcutta-20 including its Ware House at L-1, Strand Road, Calcutta-1.
7. M/s. Pearl Chemical Industries Private Limited, 42, Strand Road, Calcutta-7, including its Factory at T. N. Mukherjee Road, P.O. Raghunathpur, Makhlia, Hooghly.
8. M/s. Vinar and Company, 225-C, Acharya Jagdish Chandra Bose Road, Calcutta-20.
9. M/s. B. G. Industrial Corporation, 12 Park Terrace, Santoshpur, Calcutta-75.
10. M/s. S. P. Paper Packaging (P) Ltd., 3, Canal East Road, Calcutta-67.
11. M/s. Sribhumi Publishing Company, 79, Mahatma Gandhi Road, Calcutta-9.
12. M/s. Adaptive Research Farm, Vill. & P.O. Jaduberia P.S. Ulberia, Distt. Howrah.
13. M/s. Maser Private Limited, 1, Wood Street Calcutta-16, including its branches at Bombay, New Delhi, Bangalore and Regd. Office at Calcutta-19.
14. M/s. Calcutta Licensed Measures Co-operative Society Limited, P. 78, Garden Reach Road, Kidderpore, Calcutta-43, including Regd. Office at 3, Satya Dr. Road, Kidderpore, Calcutta.
15. M/s. Sati, 32, A. T. Mukherjee Road, Calcutta-20, including its branches at Calcutta-4 and had Office at Calcutta-26.
16. M/s. Opto Audio Electronic Products Private Limited 1/1, Souren Roy Road, Calcutta-3.
17. M/s. V.S.P. Controls, 12/1, Bright Street, Calcutta-19 including its Branch Office at 7 Bright Street, Calcutta-19.
18. M/s. Desai and Sons, 9 Ezra Street, Calcutta-1, including its Branch at Stop 'N' Shop Plaza, R. C. Dutt Road, Alkapur, Baroda-5, (Gujarat).
19. M/s. De's Technico, 16, Mangoe Lane, Calcutta-1, including its Works at P/12A, Madan Mohan Tata Street, Calcutta-5.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the above mentioned establishments.

[S. 35017(9)/86-SS-III]
A. K. BHATTARAI, Under Secy.

नई दिल्ली, 14 अगस्त, 1986

का. धा. 3018:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय स्टेट बैंक के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबसपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-9-86 को प्राप्त हुआ था।

New Delhi, the 14th August, 1986

S.O. 3018.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the State Bank of India and their workmen which was received by the Central Government on the 5th August, 1986.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)
Case No. CGIT/L (R) (38) of 1986

PARTIES :

Employers in relation to the management of State Bank of India, Regional Office, Bhopal (M.P.) and their workman Shri K. K. Bhatnagar, represented through the State Bank of India Employees Union, Bhopal Circle, 49, Peergate, Bhopal (M.P.)

APPEARANCES :

For Workman—Shri K. K. Bhatnagar workman concerned.

For Bank—Shri K. Samdani, Law Officer.

INDUSTRY : Banking DISTRICT : Bhopal (M.P.)

AWARD

Dated, July 29, 1986

This is a reference made by the Central Government vide Notification No. L-12012/122/85-D.II (A) dated 26th February, 1986 in respect of an industrial dispute between Shri K. K. Bhatnagar and the State Bank of India (Region-I) Bhopal.

2. Non-controversial facts of the case are that the workman, Shri K. K. Bhatnagar, was employed in the State Bank of India on 1-6-1974 as Cashier-cum-clerk and he was governed by Desai Award. He was a member of the Union viz. State Bank of India Employees Union, Bhopal Circle, Bhopal. He was charge-sheeted as follows :—

"That you have made in your own hand and authenticated the undernoted spurious entries in the pass book No. 3589 of Savings Bank Account No. 4000 of Shri Dharam Veer Prasad Bhatnagar :

Date	Particulars	Amount withdrawn	Amount deposited	Balance
1.10.81	By cash	—	400,000	40056.05
31.10.81	To cash W/F	2500.00	—	1556.05
17.11.81	-do-	200.00	—	1356.05
18.2.82	-do-	1000	—	356.05
24.2.82	By cash	—	2000.00	2356.0
4.3.82	By cash W/F	50.0	—	1856.05
6.3.82	-do-	600	—	1256.05
19.3.82	-do-	100	—	1156.05
27.3.82	-do-	50	—	1106.05

(b) I—You have authenticated, without due authority the under mentioned balances in the above mentioned pass book.

Date	Balance
27-7-81	11.34
1-8-81	51.34
30-9-81	50.05

2—Each of the above charges, if proved, would tantamount to major misconduct in terms of para 18-20-521 (4) (i) of the award governing your services in the Bank."

Shri U. N. Wagle was appointed the Enquiry Officer and he conducted the enquiry. He gave his findings on 4-2-1983 as under and submitted his report to the Disciplinary Authority i.e. the Regional Manager.

"Charge No. 1—

(a) Shri K. K. Bhatnagar, the employee made and authenticated in his own hand, the entries mentioned in the charge sheet, in the S. B. pass book No. 3589 of S.B. account No. 4000 of Shri D. P. Bhatnagar.

- (b) The Bank however was not put to any financial loss as a result of the Employee's act.
- (c) The Presenting Officer's case that the employee made these entries in the pass book with ulterior motives has not been established. He proceeded against the employee without making it a part of the charge sheet.
- (d) The Presenting Officer did not bring any material/evidence/argument to indicate that the bank was likely to suffer financial loss as a result of the Employee's act

Charge No. 2—

- (a) The employee unauthorisedly authenticated the balances mentioned in charge No. 2 of the charge sheet in the S.B. pass book No. 3589 of the account of Shri D. P. Bhatnagar.
- (b) The Bank was not put to any financial loss as a result of the Employee's act.
- (c) The Presenting Officer's case that the Employee authenticated the balance in the S.B. pass book with ulterior motive has not been established. He proceeded against the employee without making it a part of the charge-sheet.
- (d) The Presenting Officer did not bring any material/evidence/argument to indicate that the Bank was likely to suffer financial loss as a result of the Employee's act.

The Regional Manager arrived at a different finding as under :—

"I further do not find any material to indicate that the said pass book was a lost pass book as attempted to be made out in the proceedings. I am, therefore, of the view that the credit/debit entries which are spurious in the nature were made deliberately to present to the depositor a totally different picture of the state of his account knowing fully well the consciousness thereof. The said acts are serious acts of misconduct deserving severe penalty."

He therefore passed the penalty of discharge from service from the date of order dated 15-4-1983. The workman filed the appeal and it was also dismissed by the Appellate Authority vide its order dated 9-9-1983. The workman took the matter in conciliation. The conciliation having failed the matter was reported to the Central Government who made the following reference :—

"Whether the action of the management of State Bank of India (Region-I) Bhopal in discharging their workman Shri K. K. Bhatnagar, from the service w.e.f. 22-4-85, by way of disciplinary measure is justified? If not, to what relief the workman is entitled and from what date?"

The year of discharge "1985" mentioned in the above reference appears to be a typographical error as admittedly the workman was discharged on the date mentioned in the above reference in the year "1983".

3. I framed the following preliminary issues which with my reasons and findings are as under :—

- 1. Whether the enquiry held by the Enquiry Officer is proper and legal?
- 2. If so, whether the punishment awarded to the workman is commensurate with the misconduct, if any?
- 3. Relief and costs?

Findings with reasons :

4. Issue No. 1.—Propriety and legality of the enquiry has been challenged on various grounds which I will take up one by one.

5. Charge-sheet Ex. M-4 is vague. It does not mention the time and place and the capacity in which entries were made. I have gone through the charge-sheet Ex. M-4 and I find that the allegation is not correct. It gives all the particulars. Time and place where the entries are alleged

to have been made was not known to the management. Therefore the same could not have been given. Whether workman made entries in the Bank premises or at his home that fact was also not known to the management. In any case, these requirements are not very material looking to the facts of the case. The workman had also not challenged the same in his reply notice.

6. Next it has been contended that they copy of the statement of Shri Vasudevan during preliminary enquiry was not made available to him which hampered him in his defence. Firstly there is nothing on record to show that Shri Vasudevan was examined in the preliminary stage or there was any preliminary enquiry or not. In any case the workman never made any demand for the same during enquiry. Therefore it cannot be said that he was hampered in his defence specially when the management has not relied on such a statement (Tata Engineering and Locomotive Company Ltd. Vs. S. C. Prasad and another—1969-II-L.L. p. 799 relied on).

7. Next it has been contended that the material witness viz. the Account Holder's non-examination vitiates the entire enquiry proceedings. It is true that had the account holder been examined it would have enabled the Enquiry Officer to ascertain the malafide or bonafide of the workman in making the authenticated entries in the pass book which I will presently show. But this by itself does not vitiate the enquiry.

8. The workman has also contended that the finding of the Disciplinary Authority is based on hearsay evidence. I am unable to agree. Only that part of the statement of Vasudevan which transpired before him has been taken into account. It has been further contended that the allegations of the charge-sheet do not disclose the kind of misconduct delined under para 521 of the Sastry Award and the findings of the Disciplinary Authority are based on no evidence at all. I am of the opinion that these lacunas are material for decision of Issue No. 2. The same have no bearing on Issue No. 1. For the reasons discussed above, I find that on facts of the case the authorities relied on by the workman in his written statement do not help him. I find that the enquiry is proper and legal. Issue is decided accordingly.

9. Issue No. 2.—Clause 521(4)(j) of the Sastry Award lays down the gross misconduct in the following words :—

"doing any act prejudicial to the interests of the bank, or gross negligence or negligence involving or likely to involve the bank in serious loss."

10. Charge-sheet (Ex M-4) does not disclose any of these ingredients of the said clause. Therefore the management could not have either adduced evidence to prove the same nor they could built up a case in the course of arguments before the Enquiry Officer, Disciplinary Authority and the Appellate Authority. The charge-sheet is a charter of disciplinary action. In other words before proceeding with the domestic against an offending employee he must be informed clearly, precisely and accurately of the charges levelled against him. This has not been done in the instant case. Charge-sheet Ex. M-4 only says that the workman has made in his own hand and authenticated undermentioned spurious entries in the pass book which will amount to misconduct. The act of making and authenticating the workman had frankly admitted but he had also at the same time stated that he had done the same in good faith without any intention to cause damage to anybody. The charge does not say that the act was done to the prejudice of the Bank or it was his gross negligence involving or likely to involve the bank in serious loss. It does not say that he had done so with any ulterior motive. The Enquiry Officer was, therefore, right in giving a findings as he did and reproduced above.

11. In the course of enquiry the management had tried to build up two alternative case against the workman for which there was no charge-sheet. Firstly was that he made the spurious entries so that the pass book holder or he himself may fraudulently withdraw the amount. This disciplinary authority has tried to justify on reasoning but to my mind those reasoning may as well apply to the defence story in as much as it was an old account running over years and prior to this incident no such attempt of making

entries was made. Only two entries of amount deposited were made while number of entries of withdrawal were made and a balance of petty amount of Rs. 1106.05 was shown. If the entries were made with a mala fide intention some huge amount of deposits and balance could have been entered and since he was a Cashier he could have manipulated the entries in the ledger as well. A bank employee of long standing will not take the risk for a petty amount of Rs. 1106.06.

12. Disciplinary and the Appellate Authority have laid great stress on the fact that the pass book in question was not a closed one as it had no such entry. Plea of the defence was that it was a lost one. Therefore there could not be possibility of making entries of closure of account on it. I thus find that there are more convincing reasons to hold the defence story as true than the ones given by the Disciplinary and Appellate Authority to spell his ulterior motive.

13. The second story tried to build up during the trial and before the said authorities is that the workman was running a private bank and keeping the account holder in darkness by making the exact entries of deposit and withdrawal in the pass book. I am surprised how could such a conclusion without any evidence in this regard could be drawn and that too without any charge in this regard. If this is the plea of the management then in that case examination of the account holder was necessary to prove or disprove this allegation. The only circumstances suggested in this regard is that when the account holder was confronted with his account position in the Bank he was surprised. I have gone through his statement and I find that this question was objected to as leading question and his reply was not obtained. As such I find that the findings of the disciplinary and the Appellate Authority in this regard is not only without any charge in this regard but also without any evidence and without any reasonable circumstances.

14. In the circumstances what remains against the workman simpliciter is that he made nine entries in the pass book and authenticated three without any authority in this regard and nothing more. The question of his motive or negligence etc. to the detriment of the Bank does not crop up at all. The case of the workman is that he had his excellent previous record. Management led no evidence to prove to the contrary. In the circumstance the punishment of discharge awarded appears to be very much excessive and harsh looking to the nature of the act and the fact that he frankly admitted the same and he had no previous bad record. I thus find that the punishment awarded is not commensurate with the misconduct charged and proved.

15. Issue No. 3.—This is a consequential issue. Therefore I will take it up. In view of my finding on Issue No. 1 that the domestic enquiry and the findings of the Enquiry Officer are legal and proper the management is not required to adduce any evidence to prove the charge i.e. misconduct alleged and admitted. However, in view of my finding on Issue No. 2 that the punishment awarded is severe and excessive the only question remains to be considered is what punishment should be awarded to the workman looking to the charge alleged and proved. In view of the fact that no commission or omission (negligence) or any ulterior motive is proved a punishment of stoppage of his two increments with cumulative effect would meet the end of justice. In view of this punishment the workman is entitled to be reinstated with effect from 22-4-1985 (correct date is 22-4-1983). The question remains about his back wages. Normal rule is that when a workman is reinstated he is entitled to full back wages. Therefore the workman is entitled to back wages with effect from 22-4-1983 with all ancillary reliefs excepting his two increments with cumulative effect. I therefore hold and decide this issue accordingly and answer the reference as under :—

That the action of the management of State Bank of India (Region-3) Bhopal in discharging their workman, Shri K. K. Bhatnagar, from service with effect from 22-4-1983 by way of disciplinary measure is not justified. However, since the domestic enquiry against him is found to be legal and proper and only the punishment is found to be severe therefore he be awarded the punishment of stoppage of his two increments with cumulative effect from the date of order of his discharge dated 22-4-1983. Consequently, it is directed that the workman be reinstated with effect from

22-4-1983 with full back wages and all other ancillary reliefs excepting his two increments with cumulative effect. No order as to costs.

Dated : 29-7-1986.

V. S. YADAV, Presiding Officer
[No. 1-12012/122/85-D.II (A)]
N. K. VERMA, Desk Officer

व निउय मंत्रालय

नई दिल्ली, 30 अगस्त, 1985

आ. आ. 3019:—केन्द्रीय सरकार, नियमित (कालिडी नियमित और निरीक्षण) अधिनियम 1963 (1963 का 22) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "बरेलू विद्युत उपकरण" के संबंध में भारतीय भाषा में प्रमाणित प्रमाणित-विद्युत को यह दिखाने के प्रयोजन के लिए मान्यता देने का प्रस्ताव करती है कि अर्थात् "बरेलू विद्युत-उपकरण" पर ऐसे चिह्न लगाए जा सकेंगे जो कि सही हैं, बड़ा, उनके बारे में यह समझा जाएगा कि ये उक्त अधिनियम के अंतर्गत उन पर लागू होने वाले मानक विनिर्देशों के अनुरूप हैं ;

और केन्द्रीय सरकार ने उक्त नियमित (कालिडी नियमित और निरीक्षण) अधिनियम, 1963 के नियम 11 के उप-नियम (1) की उपधारा द्वारा निर्धारित निरीक्षण परिपद्ध को भेज दिया है ;

अब अत्र केन्द्रीय सरकार ने उक्त अधिनियम के अनुसूची में उक्त प्रस्तावों को उन व्यक्तियों की जानकारी के लिए प्रकाशित करती है कि उनके नामों पर प्रभावित होने की संभावना है।

2 यह सूचना दी जाती है कि यदि कोई व्यक्ति उक्त प्रस्तावों के बारे में कोई आक्षेप या गुजार देना चाहता है तो वह उन्हें इन अनुसूचियों के राजपत्र में प्रकाशन की तारीख से पचासीवें दिन के अंतर्गत नियमित निरीक्षण परिपद्ध, भारतीय मंत्रालय, प्रगति, टावर 26, राजेन्द्र प्रेस नई दिल्ली-610008 को भेज सकता है।

ध्यातव्य है—इस आदेश में "बरेलू विद्युत उपकरण" से नीचे दी गई अनुसूची में से कोई उपकरण अभिप्रेत है—

अनुसूची

क्रम सं. बरेलू विद्युत उपकरण

1. विद्युत इस्तेमाल करने वाला
2. मेसालेक प्रकाश के स्वचालित विद्युत हीटर
3. बरेलू और बरेलू प्रयोगों के लिए स्विच
4. विद्युत रिंग
5. विद्युत स्टैंड
6. विद्युत होट प्लेट
7. बरेलू विद्युत खरब विद्युत (अथवा मालिक मालिक मालिक मालिक)
8. विद्युत टोकर
9. विद्युत बर्तन प्रयोग (विद्युत रिंग प्रकाश का)
10. बरेलू और मालिक प्रयोग के लिए विद्युत केबल और तार
11. कपड़े धोने की बरेलू विद्युत मशीन (अथवा मालिक)
12. विद्युत रिंग
13. विद्युत जग बोर्ड
14. केबल मशीन का मालिक परिचालित विद्युत यंत्र
15. मालिक मालिक के बरेलू विद्युत यंत्र
16. मालिक परिचालित विद्युत यंत्र
17. मालिक मालिक
18. बरेलू प्रयोग के लिए मालिक मालिक मालिक मालिक
19. मालिक मालिक मालिक मालिक मालिक मालिक मालिक मालिक

20. सुसज्जित पीने की पानी काय विभागी मशीन
21. उपकरण संचालक तथा उपकरण इन्वेंटर (अपेक्षाधीन गति विभागी प्रकाश के) (उपकरण-संचालक)
22. उपकरण संचालक तथा उपकरण इन्वेंटर (अपेक्षाधीन गति विभागी प्रकाश के) उपकरण इन्वेंटर
23. विद्युत जल हीटर के साथ प्रयोग के लिए अलुमिनियम
24. गर्मी की लहर के साथ अलुमिनियम (विभागी जल प्रकाश के)
25. इलेक्ट्रिक एप्लियेंस के लिए प्रतिरोधक तार, टैप और प्लेटिंग
26. विद्युत इलेक्ट्रिक एप्लियेंस टैप और प्लेटिंग प्रकाश के
27. खनिज में सहा आधुनिक इलेक्ट्रिक एप्लियेंस
28. गतिमान प्रयोग के विद्युत चूल्हे के लिए अपेक्षाधीन
29. अलुमिनियम उपकरणों की इलेक्ट्रिक एप्लियेंस
30. अलुमिनियम तथा लोहे की प्रयोग के लिए 2 एप्लियेंस के लिए
31. विद्युत के सुसज्जित लैप स्टैंड तथा ट्रेनिंग
32. लैप स्टैंड तथा लैप स्टैंड विभागी
33. प्रतिरोधक संचालक : अलुमिनियम से लैप स्टैंड गति प्रकाश
34. अपेक्षाधीन लैप हीटर
35. विद्युत सुसज्जित जल हीटर
36. एक लैप हीटर विभागी
37. लैप संचालक
9. Electric Coffee Percolators (non-regulator type)
10. Electric Kettle and Jugs for household and similar use
11. Domestic Electric Clothes washing machine (non-automatic)
12. Electric radiators
13. Electric water boilers
14. Mains operated electric hair dryers
15. Domestic electric cooking ovens
16. Mains-operated electric shavers
17. Steam irons
18. Flexible Electric Heating Pads for domestic use
19. Portable, hand-held mains-operated electric massagers
20. Portable low speed food grinding machine
21. Appliance-connectors and appliance inlets (non-reversible three pin type) Appliance connectors
22. Appliance-connectors and appliance inlets (non-reversible three pin type) Appliance inlets
23. Thermostats for use with Electric Water Heaters
24. Cartridge type heating elements (non-embedded type)
25. Resistance wires, tapes and strips for heating elements
26. Solid embedded type electric heating elements
27. Minerals filled sheathed heating elements
28. Thermostats for general purpose electric ovens
29. Mica insulated heating elements
30. 2 Amps switches for domestic and similar purposes
31. Electric portable lamp stands and brackets
32. Three pin plugs and socket-outlets
33. Three pin plugs made of resilient materials
34. Bayonet lampholders
35. Electric instantaneous water heaters
36. Single walled baking oven
37. Heat convectors.

[फाइल नं. 6(12)/86-ई.आई.ए.डी.]

MINISTRY OF COMMERCE

New Delhi, the 30th August, 1986

S.O. 3019.—Whereas the Central Government in exercise of the powers conferred by section 8 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), proposes to recognise the Indian Standards Institution Certification mark in relation to 'Household Electrical Appliances' for the purpose of denoting that where 'Household Electrical Appliances' are affixed or applied with such mark, they shall be deemed to be in conformity with the Standard Specifications applicable thereto under the said Act;

And whereas the Central Government forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within forty-five days of publication of this notification in the Official Gazette to the Export Inspection Council, 11th floor, Pragati Tower, 26 Rajendra Place, New Delhi-110008.

Explanation.—In this Order, 'Household Electrical Appliances' shall mean any of the appliances in the Schedule given below:—

1. Electric immersion Water heaters
2. Storage type automatic electric water heaters
3. Switches for domestic and similar purposes
4. Electric Irons
5. Electric Stoves
6. Electric Hot Plates
7. Domestic Electric Food Mixers (Liquidizers, blenders and grinders)
8. Electric Toasters

[F. No. 6(12)/86-EI&FP]

आ. आ. 3020—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 8 द्वारा प्रदान किये गये शक्तों का प्रयोग करते हुए, "निर्यात निरीक्षण तथा नियंत्रण विभाग" के संबंध में भारतीय मानक संस्थान प्रमाणित चिह्न को यह दिखाने के प्रयोजन के लिए मान्यता देने का प्रस्ताव रखती है कि जहाँ "निर्यात निरीक्षण तथा नियंत्रण विभाग" पर ऐसे चिह्न लगाए जायें या लगाए जायें हैं, वहाँ उनके बारे में यह समझा जाएगा कि वे उक्त अधिनियम के अधीन उन पर लागू होने वाले मानक विनियमों के अधीन हैं।

और केन्द्रीय सरकार ने उक्त निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 के नियम 11 के उप-नियम (2) की अपेक्षाानुसार निर्यात निरीक्षण परिषद को भेज दिया है।

अतः अब केन्द्रीय सरकार उक्त अधिनियम के अनुसूची में उक्त प्रस्तावों को उक्त अधिनियमों की आवश्यकता के लिए प्रकाशित करती है जिनके उनमें प्रभावित होने की सम्भावना है।

2. यह सूचना दी जाती है कि यदि कोई व्यक्ति उक्त प्रस्तावों के बारे में कोई आपत्ति या सुझाव देना चाहता है तो वह उन्हें इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से देवासीस दिन के भीतर निर्यात निरीक्षण परिषद, भारतीय मंत्रालय, प्रगति टावर, 26, राजेंद्र प्लेस, नई दिल्ली-110008 को भेज सकता है।

वस्तुतः—इस आदेश में "स्विच गियर तथा नियंत्रण गियर" से नीचे दी गई अनुसूची में गठित की गई स्विच गियर तथा नियंत्रण गियर या उनका समूह अतिरिक्त है—

अनुसूची

क्रम सं. स्विच गियर तथा नियंत्रण गियर

- 1 सर्किट ब्रेकर
- 2 एयर ब्रेक टोगल, नियंत्रण और अधिन स्विच
- 3 मोटर स्टार्टर
- 4 बस तारिकाओं सहित घनसंयोजक बस छे
- 5 सेलक (कन्ट्रोलर)
- 6 फ्यूज, फ्यूज बोर्ड और कटआउट
- 7 वितरण पिलर
- 8 विभागी से चलने वाले गेट पर बक्स
- 9 विद्युतक (आइसोलेटर)
- 10 विद्युत शक्ति संयोजक

[फाइल सं. 6(14)/86-ई आई एंड ईपी]
एन. एस. हरिहरन, निदेशक

S.O. 3020.—Whereas the Central Government in exercise of the powers conferred by section 8 of the Export (Quality Control & Inspection) Act, 1963 (22 of 1963), proposes to recognise the Indian Standards Institution Certification mark in relation to 'Switchgear and Controlgear' for the purpose of denoting that where 'Switchgear and Controlgear' are affixed or applied with such mark, they shall be deemed to be in conformity with the Standard Specification applicable thereto under the said Act;

And whereas the Central Government forwarded the same to the Export Inspection Council as required by sub-rule

(2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within forty-five days of publication of this notification in the Official Gazette to the Export Inspection Council, 11th floor, Pragati Tower, 26, Rajendra Place, New Delhi-110008.

Explanation.—In this Order 'Switchgear and Controlgear' shall mean any of the Switchgear and Controlgears or a combination thereof mentioned in the Schedule given below:—

SCHEDULE

Sl. No. Switchgear and Controlgear

1. Circuit Breakers
2. Air Break, Toggle, Control and Earthing Switches
3. Motor Starters
4. Inter connecting Bus-bars including Bus-ducts
5. Contractors
6. Fuses, Fuse-boards and cut-outs
7. Distribution Pillars
8. Electrically operated Gate and Boxes
9. Disconnectors (Isolators)
10. Electric Power Connectors

[F. No. 6(14)/86-EI&EP]

N. S. HARIHARAN, Director